days, others for years, but let us hope that our crafts, like his, reach the haven where weary ships may rest.

We carried him back to sunny Oklahoma to the scenes of his activities. At the capital city, where his body lay in state, we witnessed homage paid his memory by his sorrowing constituents, the poor as well as the rich came and stood side by side to drop a tear upon his bier. At Pauls Valley, his home city, his neighbors and friends turned out by the thousands to pay their last tribute to their foremost citizen. In Pauls Valley we laid him to rest in God's acre, and returned with heavy hearts sighing:

Oh, for a touch of a vanished hand and for the sound of a voice that is still.

Mr. HARRELD. Mr. Speaker, when I located in the Indian Territory, which is now a part of the great State of Oklahoma, 15 years ago, JOE THOMPSON, as he was familiarly called, was already prominent in politics and eminent in the profession of the law. He was, upon the advent of statehood, made chairman of his party committee for the new State and had much to do with the shaping of its laws and political tendencies. For awhile he contented himself with being the power behind the throne, then he asked to come to Congress as a member at large from that State. He was elected by the people of the State as a whole and had continuously served in this body thereafter as the Member from the fifth district until his untimely death in 1919. I became well acquainted with him soon after I located at Ardmore, 40 miles from his home at Pauls Valley.

We were personal friends from that time to the time of his death. During a part of that time I presided over the bankruptcy court for a large district in southern Oklahoma as referee in bankruptcy, and THOMPSON being a lawyer of large and varied practice, often had business of importance in the bankruptcy court. This and the fact that we often met at the bar of the other courts gave me a favorable opportunity to know him both personally and professionally. He was a man of true friendships! His loyalty to his friends knew no bounds. As a lawyer he was not only able but possessed those traits which made him a dangerous adversary before judge or jury, at the same time his strict adherence to the ethics of the profession and his uniform courtesy to opposing counsel and opposing litigants never failed to keep for him the respect and good will of both. That was largely the reason he was so invincible in the political field. His Chesterfieldian courtesy served him well in the field of political endeavor.

Of his record in Congress others here present, who served with him, are better prepared to speak, and I will leave that for them. This I know, that while making my canvass to succeed him last fall, I found that he had served in this body to the satisfaction of his constituency. He had established for himself among his constituency a reputation for constructive ability and faithful service, and that reputation was not alone established in the hearts and minds of those of his own party, but it was shared in large part by those of opposite political faith. That is undeniably shown by the fact that notwithstanding Payne County, one of the counties in his district, invariably elects as its county officials the Republican candidates by majorities ranging from 300 to 900, yet THOMPSON never failed to carry it as the Democratic nominee for Congress by from 300 to 700 majority over his Republican opponent.

After all, the measure of a public man's success is not to be determined by what this man or that says nor by the one act or the other performed by him during his career, but it is to be measured by the impression he makes upon the general public and by his record taken as a whole, and, judged by these standards, I do not hesitate to say that JOE THOMPSON'S record as a public servant was one of which his family and constituency may well be proud—one which makes it hard for his successor or successors to duplicate and one which will ever cause him to be remembered gratefully by those whom he so well served in the Halls of Congress.

EXTENSION OF REMARKS.

Mr. MCCLINTIC. Mr. Speaker, I ask unanimous consent that all members may have leave to extend their remarks in the RECORD upon the life and character of our late colleague.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. Under the order heretofore adopted, the House will now stand adjourned.

Accordingly (at 1 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Monday, April 19, 1920, at 12 o'clock noon.

SENATE.

MONDAY, *April 19, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to hold our place with honor among all the nations of the earth and fulfill our mission as God has given to us a mission, and we turn to Thee for the inspiration of our life work. Grant us discernment, farseeing vision, and understanding of the divine import of every element of our national life, every incident of our national history, that we may interpret these in the light of Thy revelation to us. Grant us Thy blessing in the service and labor of this day. We ask it for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Reading Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4073) to authorize the construction of a bridge across the Missouri River near Kansas City.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, further insists upon its disagreement to the amendment of the Senate No. 53 to the bill, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WOOD of Indiana, Mr. WASON, and Mr. SISSON managers at the further conference on the part of the House.

The message further announced that the House had agreed to a concurrent resolution authorizing and directing the Clerk of the House in the enrollment of the bill (H. R. 11578) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes, to number the sections consecutively, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12266. An act to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919;

H. R. 13432. An act to regulate dealing in leaf tobacco; and

H. R. 13587. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes.

The message further transmitted to the Senate resolutions on the life, character, and public services of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 12581. An act granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States; and

S. J. Res. 180. Joint resolution authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda.

PETITIONS AND MEMORIALS.

Mr. PHELAN presented a petition of the Greek Community, of Los Angeles, Calif., praying for the recognition of the rightful and just demands of Greece, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Irish Education League, of San Francisco, Calif., remonstrating against the treatment of Irish political prisoners, which was referred to the Committee on Foreign Relations.

Mr. CAPPER presented a petition of the Chamber of Commerce of Salina, Kans., praying for an increase in the salaries of postal employees, which was ordered to lie on the table.

THE JUDICIAL CODE.

Mr. KING, from the Committee on the Judiciary, to which was referred the bill (H. R. 7629) to amend the penal laws of the United States, reported it with amendments, and submitted a report (No. 528) thereon.

THE ROOSEVELT MEMORIAL ASSOCIATION.

Mr. KELLOGG. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4163) to incorporate the Roosevelt Memorial Association, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That Lawrence F. Abbott, Lyman Abbott, Carl E. Akeley, Earl Akers, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, Jacob L. Babler, Charles S. Barrett, John Barrett, E. C. Bartlett, R. Livingston Beeckman, Albert J. Beveridge, William C. Bobbs, Charles J. Bonaparte, Evangeline Booth, Desha Breckenridge, Henri Brown, J. A. A. Burnquist, John Burroughs, Marion LeRoy Burton, Kenyon L. Butterfield, William P. Bynum, Thomas E. Campbell, Robert D. Carey, Irving A. Caswell, Thomas L. Chadbourne, Robert R. Church, jr., Ernest F. Cochran, William W. Cocks, Henry Waldo Coe. Russell J. Coles, Austen Colgate, Frederick L. Collins, E. C. Converse, Willis C. Cook, George B. Cortelyou, O. W. Coursey, William H. Cowles, John S. Cravens, Thomas J. Crittenden, H. P. Cross, Walter Damrosch, S. C. Dell, Cleveland H. Dodge, T. Coleman du Pont, Milton H. Esberg, Albert B. Fall, Sylvanus M. Ferris, Simeon D. Fess, John H. Finley, William S. Fleming, Charles W. Folds, Rufus E. Foster, Lyman J. Gage, Thomas Frank Gailor, James A. Gallivan, Halbert P. Gardner, James R. Garfield, Arthur L. Garford, Nelson H. Gay, James W. Gerard, James Gibbons, Mary A. Gibson, Will H. Gibson, William Ball Gilbert, William A. Glasgow, jr., Martin H. Glynn, George W. Goethals, Frank R. Gooding, James P. Goodrich, Theodore F. Green, John C. Greenway, Lloyd C. Griscom, Frank W. Gunsaulus, Hermann Hagedorn, Grant P. Hall, Edward J. Hanna, Ole Hanson, Chester Harding, Judson Harmon, B. F. Harris, Albert Bushnell Hart, George Harvey, James H. Hawley, Will H. Hays, George C. Hazelett, A. T. Hert, Frederick C. Hicks, Frank J. Hogan, Elon H. Hooker, O. K. Houck, Clark Howell, R. B. Howell, William Dean Howells, Charles E. Hughes, Arthur M. Hyde, Harold L. Ickes, William P. Jackson, Alfred J. Johnson, Hiram W. Johnson, Lewis Y. Johnson, Otto H. Kahn, Frank B. Kellogg, George N. Keniston, William S. Kenyon, Henry W. Kiel, John T. King, Paul H. King, Earle S. Kinsley, Irwin R. Kirkwood, Frank Knox, Philander C. Knox, Florence Bayard La Farge, Alexander Lambert, Franklin K. Lane, Albert D. Lasker, John N. Lightbourn, Curtis H. Lindley, Henry D. Lindsley, Colin H. Livingstone, Henry Cabot Lodge, William Loeb, jr., Pierre Lorillard, jr., S. H. Love, Frank O. Lowden, A. Lawrence Lowell, Anna Maud Lyon, William McAdoo, C. N. McArthur, Charles Wylie McClure, J. M. McCormick, Ruth Hanna McCormick, Henry B. McCoy, W. N. McGill, James J. McGraw, Gavin McNab, C. H. McNider, Henry F. MacGregor, Norman E. Mack, Clarence H. Mackey, William T. Manning, T. Frank Manville, Thomas A. Marlow, Victor H. Metcalf, Herman A. Metz, Charles R. Miller, C. P. J. Mooney, J. H. Morron, Dwight W. Morrow, Robert R. Moton, Guy Murchie, Michael J. Murray, Truman H. Newberry, Samuel D. Nicholson, Lewis Nixon, John I. Nolan, Peter Norbeck, Alton B. Parker, John M. Parker, Thomas Patterson, F. S. Peabody, George Wharton Pepper, Leroy Percy, George W. Perkins, Gifford Pinchot, Samuel Platt, Miles Poindexter, Jeter C. Pritchard, Mason F. Prosser, William H. Putnam, R. Lansing Ray, C. F. Reavis, Elisabeth Mills Reid, H. L. Remmel, Rush Rhees, Raymond Robins, Prescott W. Robinson, Elihu Root, John C. Rose, Julius Rosenwald, Erskine M. Ross, John A. Sargent, Charles Scribner, Mary Frances Severance, William W. Sewall, John C. Shaffer, Leslie M. Shaw, Louis P. Sheldon, Harry F. Sinclair, Thomas F. Smith, M. P. Snyder, William C. Sproul, William Spry, Frank C. Steinhart, William D. Stephens, Percy S. Stephenson, Philip B. Stewart, Henry L. Stimson, Marshall Stimson, Warren S. Stone, Oscar S. Straus, Mark Sullivan, Patrick Sullivan, J. T. Swift, William Howard Taft, Joseph O. Thompson, William Boyce Thompson, John W. Towle, Wallace Townsend, William J. Tully, George Turner, R. E. Twitchell, Grace Vanderbilt, George H. Vincent, Harriet E. Vittum, Aug. H. Vogel, Henry C. Wallace, Zeb V. Walser, T. H. Wannamaker, David Warfield, Charles B. Warren, Henry Watterson, Benjamin Ide Wheeler, Henry J. Whigham, Wallace H. White, jr., Albert H. Wiggin, James Wilson, Leonard Wood, Luke E. Wright, William Wrigley, jr., and Robert J. Wynne, their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

SEC. 2. That the name of this corporation shall be Roosevelt Memorial Association, and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for its corporate purposes and to receive real and personal property by gift, devise, or bequest; to give and dedicate such property to public agencies and purposes; to adopt a seal and the same to alter at pleasure; to hold its corporate meetings within or without the District of Columbia, as the board of trustees of the corporation shall determine; to have offices and conduct its business affairs within or without the District of Columbia, and in the several States, Territories, and possessions of the United States; to make and adopt a constitution, by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to perpetuate the memory of Theodore Roosevelt for the benefit of the people of the United States of America and of the world, and to that end, but without restriction to the objects enumerated below, to solicit, receive, hold, and maintain a fund or funds, and to apply the principal thereof and income therefrom to any one or more of the following objects:

(1) The erection and maintenance of a suitable and adequate monumental memorial in the city of Washington, D. C., to the memory of Theodore Roosevelt;

(2) The acquisition, development, and maintenance of a public park in memory of Theodore Roosevelt in the town of Oyster Bay, N. Y.; and

(3) The establishment and maintenance of an endowment fund to promote the development and application of the policies and ideals of Theodore Roosevelt for the benefit of the American people.

SEC. 4. That the property and affairs of the corporation shall be managed and directed by a self-perpetuating board of trustees. The following-named persons shall constitute the first board of trustees: Lawrence Abbott, Henry J. Allen, Joseph W. Alsop, Charles W. Anderson, R. Livingston Beeckman, Austen Colgate, E. C. Converse, John S. Cravens, T. Coleman du Pont, John H. Finley, James R. Garfield, Mrs. Frank A. Gibson, James P. Goodrich, Lloyd C. Griscom, Hermann Hagedorn, Judson Harmon, George Harvey, Will H. Hays, A. T. Hert, Frederick C. Hicks, Elon H. Hooker, Charles E. Hughes, Hiram W. Johnson, Otto H. Kahn, Frank B. Kellogg, Irwin R. Kirkwood, Mrs. C. Grant La Farge, Franklin K. Lane, Henry D. Lindsley, Henry Cabot Lodge, William Loeb, jr., Mrs. Medill McCormick, James J. McGraw, Clarence H. Mackay, Dwight W. Morrow, George W. Perkins, Gifford Pinchot, Mrs. Whitelaw Reid, Raymond Robins, Elihu Root, Julius Rosenwald, Mrs. C. A. Severance, Harry F. Sinclair, Philip B. Stewart, Henry L. Stimson, Warren S. Stone, Oscar S. Straus, Mark Sullivan, William Boyce Thompson, Henry C. Wallace, Albert H. Wiggin, Luke E. Wright, William Wrigley, jr., and Leonard Wood.

The board of trustees shall have the power to adopt from time to time a constitution, by-laws, rules, and regulations for the selection of their successors, for the admission to membership in the corporation, for the election of officers of the corporation, and in general for the conduct of the affairs of the corporation, and may alter, amend, or repeal the same.

SEC. 5. That said corporation will have no power to issue certificates of stock or to declare or pay dividends, but it is organized and shall be operated exclusively for educational purposes, and no part of its earnings, income, or funds will inure to the benefit of any member or individual.

SEC. 6. That Congress shall have the right to repeal, alter, or amend this act at any time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McCumber	Smith, Md.
Brandegee	Harrison	McNary	Smith, S. C.
Capper	Jones, N. Mex.	Moses	Smoot
Chamberlain	Jones, Wash.	Nelson	Spencer
Colt	Kellogg	New	Sterling
Culberson	Kendrick	Nugent	Sutherland
Cummins	Kenyon	Overman	Swanson
Curtis	Keyes	Page	Thomas
Dial	King	Phelan	Townsend
Dillingham	Kirby	Phipps	Trammell
Frelinghuysen	Knox	Pomerene	Wadsworth
Gerry	Lenroot	Ransdell	Walsh, Mass.
Glass	Lodge	Sheppard	Watson
Gronna	McCormick	Smith, Ariz.	Wolcott

Mr. SMOOT. I wish to announce the absence of the Senator from Maine [Mr. HALE] and the Senator from Nevada [Mr. PITTMAN], who are detained in the Committee on Naval Affairs.

Mr. GERRY. The Senator from Tennessee [Mr. MCKELLAR] and the Senator from Alabama [Mr. COMER] are absent on official business.

The VICE PRESIDENT. Fifty-six Senators have answered to their names. There is a quorum present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHELAN:

A bill (S. 4248) for the purchase of land occupied by experiment vineyards near Fresno and Oakville, Calif.; to the Committee on Agriculture and Forestry.

A bill (S. 4249) for the relief of Patrick McNamee; to the Committee on Naval Affairs.

A bill (S. 4250) for the relief of John B. Elliott (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 4251) to correct the military record of Samuel C. Rowe; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 4252) granting an increase of pension to William R. Elliott (with accompanying papers); to the Committee on Pensions.

By Mr. WOLCOTT:

A bill (S. 4253) granting a pension to Amelia Xandry; to the Committee on Pensions.

PAY OF ARMY, NAVY, MARINE CORPS, ETC.

The VICE PRESIDENT. In the absence of the Senator from Washington [Mr. POINDEXTER], the Chair appoints the Senator from New Hampshire [Mr. KEYES] as one of the conferees on the part of the Senate on what is commonly known as the Army and Navy pay bill.

POST OFFICE APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 11578) entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," the Clerk be, and he is hereby, authorized and directed to number the sections consecutively.

Mr. TOWNSEND. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 12266. An act to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was read twice by its title and referred to the Committee on Education and Labor.

H. R. 13432. An act to regulate dealing in leaf tobacco was read twice by its title and referred to the Committee on Finance.

H. R. 13587. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

DISTRICT STREET RAILWAYS.

Mr. JONES of Washington. I ask unanimous consent that the resolution which I submitted a few days ago, being Senate resolution No. 351, relating to District street railways, may go over without being ordered to the calendar or referred to a committee. I also ask that it may lie on the table until I desire to call it up for consideration.

The VICE PRESIDENT. Without objection, it is so ordered.

CONDITIONS IN VIRGIN ISLANDS (H. DOC. NO. 734).

Mr. KENYON. Mr. President, I present the report of the joint commission appointed under authority of House concurrent resolution of January 20, 1920, to report on conditions in the Virgin Islands. I ask that the report be printed as a public document. The Joint Committee on Printing can consider the question of ordering additional copies if so desired.

Mr. SMOOT. Will the Senator not have it referred to the Committee on Printing of the Senate? The Joint Committee does not have such questions referred direct to it from the Senate. It should go to the Committee on Printing of the Senate.

Mr. KENYON. The report is made both to the Senate and to the House, and it is being presented to the House now. My understanding was that both Houses would ask to have it referred to the Joint Committee on Printing.

Mr. SMOOT. I think the Senator is wrong. It ought to go to the Committee on Printing of the House and the Committee on Printing of the Senate.

Mr. KENYON. And then those committees can confer as to the number to be printed?

Mr. SMOOT. If the number decided upon is more than the law would allow without a concurrent resolution, then a concurrent resolution would have to be submitted in the Senate.

Mr. KENYON. I am inclined to think that the number printed as a public document by the Senate and by the House will be ample; but I want to leave the question open in case there should be a further demand.

Mr. SMOOT. Let it be referred to the Committee on Printing of the Senate.

Mr. KENYON. I ask unanimous consent to have the report printed as a public document and then the Joint Committee on Printing can take up the question of additional copies.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection? The Chair hears none, and it is so ordered.

HIGH COST OF LIVING.

Mr. DIAL. Mr. President, I desire to consume a few moments of the Senate's time in presenting some thoughts on the high cost of living.

At times we, the representatives of the people, become discouraged. Since the armistice the demands have been so great upon us, and the clamoring so loud, discontent is so widespread, until we almost despair of conditions again becoming normal. I am glad, however, that in the last few days we are beginning to see signs of the people's mind turning in the right direction. It is to the credit of the faithful railroad employees who declined to follow the proposals of the outlaws—the I. W. W. and the bolshevistic crowd—that many of them remained at their posts, and many of those who left voluntarily returned. A board has now been appointed to adjust the differences between employer and employee, and while I did not advocate this legislation I feel that everyone should suspend judgment and let it have a fair trial. Furthermore, the right spirit is being engendered in the minds of the people at large. It made me proud to read in the papers that ladies of Washington volunteered to unload cars before they would sit idly by and see perishable foodstuffs go to waste. I want to say that if it had become necessary for them to have undertaken that task, I would have absented myself from the Senate and joined their ranks. When outlaws realize that the public is against them they will cease their unreasonable and exorbitant demands and untimely strikes. Let them know that the public can also organize. If this strike had continued a few days longer, many of my constituents would have lost their entire truck crops, and perhaps would have been ruined financially.

One of the troubles of the times is that too many people are looking to Washington and depending upon the National Government to enact laws appropriating money unnecessarily for their wants. While at home the other day I was told that a young soldier went into a store and purchased shirts at $15 each and at the same time was clamoring for a bonus. We fought this war to establish right principle in the minds of mankind, and I was in hope that after it was over our actions and ideals would be upon a higher plane; that we could see how much service we could be to our country and to the Government instead of seeing how much we could take out of the Treasury; that we would take an interest in our brother's welfare and see how we could best help mankind to become prosperous and happy. We are told that we organized the largest Army in the shortest space of time known to history; we are further told that this was the easiest trained Army the world ever saw; that they already knew how to advance; and that the word "retreat" was obsolete in their dictionary. Our troops had not been long in France until they caught the spirit of the motto of Pershing, which was, "Let us get to where we are going." It was the first army in history which never lost an inch of ground. We should generously take care of the wounded and incapacitated soldiers, but at the same time not be unmindful of the object for which those brave boys fought who are now sleeping under the poppies in Flanders fields. While they were over there, the rest of us—that is, all good and true people—did all within our power to improve conditions in this country and make it a better place in which to live.

We now have the greatest country in the world and the most desirable place in which to live, and people from every corner of the globe are looking with longing eyes upon our magnificent soil, splendid climates, and prosperous fields, and desire to cast their lots in our midst. Perhaps we have allowed our gates to be opened too wide in the past and permitted undesirables to locate among us. We have been so busy endeavoring to accumulate wealth that we have not guarded well the millions who came; but, indeed, the time is now upon us when we should see that no one should be allowed to stay among us who does not respect our traditions and who will not support our Constitution and adapt himself to our methods, support our Government, and respect our flag. We should not hesitate one moment to put all of the machinery of our Government into motion to place undesirables on ships and send them back to the shores whence they came. If there are any men in public positions who sympathize with these outlaws, they should be immediately turned out of office and sent thither with them.

Now, Mr. President, we have also been encouraged recently by reading in the papers that the people over the country, and especially in the South, have rebelled against the high cost of clothing and that they are daily establishing "overall clubs" and "calico brigades." This is a spirit that should be encouraged by everyone, whether he be rich or poor. I have as little use for the profiteer as I have for the slacker. I am delighted to know that the people are beginning to realize that it is not the province of the Government to set styles and prescribe what one should wear or eat. There has been too much looking to Washington and the people have been too prone to complain to and of their representatives. They ought to begin to recognize, and I hope they will all see that their prosperity, like their salvation, is in their own hands. There is no disgrace in being poor nor is there disgrace in honorable work, and one should not be censured for the garments that he wears, provided they are neat and suitable. The trouble is that everyone tries to live in the style of the richest, irrespective of his own means or income. The price of men's clothes has gone all out of proportion. It is an encouraging thought to see the school and college boys falling so readily into line. Sometimes the young are too inexperienced and too self-centered to consider the pocketbooks of their elders; but not so now. I have great

faith in the American people and great hope in the young people of this country. I have no love for dudes and little respect for misers. I know men in high places and who are well off who are wearing $6 shoes and $2 shirts. They appear neat and comfortable. In this connection we could recall and follow the advice of a former Secretary of the Treasury, who said, "Bring out your old shoes, have them half-soled; at the same time, do not overlook having your last year's trousers treated in a similar manner."

If I may be excused a personal reference, in order to encourage the young, I will tell of a young man who once worked for me. It was at a time when men were idle and employment scarce. This young man was our timekeeper by day and bookkeeper at night. I have no recollection that he ever mentioned hours or salary. He was totally without means, but was in love with his work. To-day he is drawing the same salary United States Senators are receiving, and no doubt he will be rapidly promoted. A man never gets anywhere watching a clock. Do away with restriction and let people work as long as they want.

I desire to say further, Mr. President, that I have noticed with very keen interest that the dear women of this country are rebelling against the high cost of fabrics they use. They look charming, from their graceful heads to their dainty feet, clad in any uniform they may select.

A few years ago a representative of the Department of Agriculture addressed a school in Kentucky and urged raising of sheep. At that time there was but one in the district. A club was organized and within a very short time there were over 6,000 sheep in that neighborhood. These and similar live-stock and poultry clubs should be organized all over the United States, and especially in the South, where we have hundreds of thousands of acres of pasture land unoccupied and ungrazed. The Government is encouraging the raising of more live stock. The banks of the country should join in this movement.

Another element that enters into the high cost of living is the foodstuffs that we buy. It was my province to serve for some time on a subcommittee of the Committee of the District of Columbia. The testimony was overwhelming that people would not buy the cheaper cuts of beef. It further developed that everyone wanted his packages delivered immediately. There ought to be but one delivery each day, or, better still, carry your own packages home with you.

If we do not stop the tide to the cities, and if we do not devise better marketing facilities whereby the farmers of this country can get just returns for their products, they will raise their own supplies and nothing to sell, and will say to us who live in the cities what the young fellow said to his girl in Georgia.

This young man promenaded into an ice-cream parlor with his best girl, took a seat, and ordered one saucer of cream and began to eat. Looking into the eyes of his sweetheart, he said, "This is mighty good; you'd better buy you some."

To summarize: The troubles of to-day, Mr. President, as I see them, are inflation, extravagance, false pride, and indolence. There are too many $150 suits and too little use of the sewing machine; there are too many automobiles and not enough cornfields and hog ranches; there are too many $25 hats and not enough Liberty bonds. The old French maxim was a good one, "If you can not get what you like, like what you have." The Government is acting very liberally toward the public in offering for sale its surplus food, clothing, and other articles which it purchased during the war. I have noticed with pride that the Secretary of the Navy is offering denims to civilian employees; moreover, Maj. Graham has at the Liberty Hut samples of articles in food and remnants for sale at greatly reduced prices. All Government restrictions as to dress should be modified. Furthermore, Mr. President, the people of this country are long suffering, but they will not stand for every outrage. For instance, I noticed the other day that the plumbers of Birmingham, Ala., have organized for $12 a day and require to be driven to their work in automobiles and will not allow the drivers to be helpers. This is autocracy run mad. They and all such should be looked upon as public enemies.

Some time ago it was said we were too proud to fight. This has been refuted. We are not too proud to take care of ourselves against enemies, be they foreign or domestic; neither are we too proud to work and economize. Let us wear old clothes and refrain from purchasing everything we can do without and the country will soon get in joint again.

ARMY REORGANIZATION.

The VICE PRESIDENT (at 12 o'clock and 22 minutes p. m.). The morning business is closed. The calendar under Rule VIII is in order.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3792, known as the Army reorganization bill.

The VICE PRESIDENT. Is there objection to dispensing with the call of the calendar and proceeding to the consideration of the bill named by the Senator from New York?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3792) to reorganize and increase the efficiency of the United States Army, and for other purposes.

The VICE PRESIDENT. The pending amendment will be stated.

The ASSISTANT SECRETARY. The pending amendment is the amendment offered by the Senator from Idaho [Mr. NUGENT] on page 20, line 2, after the word "purposes" to insert the following:

Provided, That for the protection of the forest areas of the United States against destruction by fire, the Secretary of War is hereby authorized and directed to organize, maintain, and operate such aeronautical units as may be necessary for the maintenance of an aerial patrol of such areas for the period ending June 30, 1921: *Provided further*, That the areas to be covered by the aerial patrol herein authorized shall be designated by the Secretary of War upon request of the Secretary of Agriculture: *And provided further*, That for this purpose the strength of the permanent personnel of the Air Corps and of the Army as otherwise authorized by this act is hereby increased 160 officers and 660 enlisted men in such appropriate grades as the President may prescribe.

Mr. WADSWORTH. Mr. President, I have no objection to the object sought to be attained by this amendment, but I desire to call the attention of the Senator from Idaho [Mr. NUGENT] to this feature of it. The amendment, in addition to authorizing the Secretary of War to organize an aeronautical patrol to help out the Forest Service for the next year, provides that the Army shall be increased by 160 officers and 660 enlisted men for that purpose. The strength of the Army, including the officers, is fixed in section 12 of the bill, and the number of officers to be commissioned in each grade is also fixed in that section. Now, if we say in section 12 that there shall be so many colonels in the entire Army and so many majors in the entire Army and so many captains and first lieutenants and second lieutenants in the entire Army, and then later on in the bill say that that number shall be increased by 160 officers without mentioning their grades at all, and without amending section 12, we shall be in a peculiar situation.

Furthermore, the amendment as now proposed provides that the proposed aerial patrol shall be furnished by the Army up to June 30, 1921. If the Secretary of War commissions 160 officers in order that the patrol work may be carried on and the patrol work is finished on June 30, 1921, there will be 160 additional officers in the Army who can not be discharged or removed except by resignation or court-martial. So I ask the Senator from Idaho to eliminate the last proviso, and permit the Secretary of War under the terms of the amendment to detail from the Army both officers and enlisted men to take care of the patrol work.

Mr. NUGENT. Mr. President, the end that I am particularly anxious to accomplish is that there shall be a direction by law to the Secretary of War to organize, maintain, and operate aeronautical units for the purpose of patrolling our forest areas. It is a matter of no particular consequence, so far as I am concerned, how or in what manner that is brought about so long as the result is accomplished.

I have been given to understand that, in order properly to officer and otherwise organize five squadrons for airplane patrol work, it will be necessary to employ 160 officers and 660 enlisted men. We desire it distinctly understood that that force of men shall be engaged in that particular work, and for that reason it is desired to have a direct provision of law to that effect, because I am somewhat fearful that, unless the law provides for the organization and the operation of those units the commandants of certain Army camps in Texas, for instance, or at some other place along the Mexican border or the commandants of certain camps, say, for the sake of illustration, connected with the Coast Guard artillery schools, will at some time insistently assert that they have not a sufficient number of airmen properly to perform the military duties that should be performed in connection with those camps, and that under those circumstances it is within the range of possibility that the squadrons that are organized for the purpose of airplane patrol of the forests will be disorganized, and the men connected with them will be assigned to other duties. If the Senator from New York will suggest how my amendment can be so amended as to meet with his approval and at the same time accomplish the result that I desire, I have no objection to such an amendment, provided, however, that the Secretary is directed to or-

ganize and operate and maintain these units that we deem necessary for the protection of the forests.

I will say in this connection, Mr. President, that in my view of the matter there is no more important duty that can be performed by airmen than the protection of the property belonging to the Government in the shape of standing timber. While I discussed this matter somewhat in detail when the Agricultural appropriation bill was being considered by the Senate, and shall not take up the time of the Senate by entering into a particularly detailed statement at this juncture, I desire to call the attention of Senators to certain outstanding facts in connection with it.

Mr. President, more than one-half of all the standing merchantable timber in the United States is now in the States of California, Oregon, Washington, Montana, and Idaho, and about 80 per cent of all the standing merchantable timber still in Government ownership—that is, that belongs to the people of the entire country—is in the States mentioned. The value of all of this timber is estimated at $1,500,000,000, and the value of the timber in Government ownership at this time is estimated at more than $400,000,000. There is a tremendous loss each year in those States because of destruction by fire, and there is no question in the world that these airplane patrols can very materially decrease the danger of further destruction by fire. An airplane patrol was established last year on a small scale in the States of California and Oregon, and, according to the report of the forester, that airplane patrol discovered 570 forest fires; and it is my judgment that the activities of the men engaged in that work last year alone saved to the Government and to the people of the country hundreds of thousands of dollars' worth of timber, because it is quite a simple matter, with their telephonic devices and wireless devices, to advise men on the ground where a fire has been located and to determine whether it is a wild fire or whether it is a fire of some camper or the fire of a sheep herder. In other words, it saves a great amount of time in getting to the fire; the fighting of the fire can be directed with precision, and as a consequence it can not extend over any very great area of timberlands if it is discovered in time.

So that this matter is one of tremendous importance not only to the people of the western country but to the people of the entire country, and it should be properly cared for; and it is only necessary, according to the estimates that have been presented to me by Army officers—by the head of the Air Service, and concurred in, according to my understanding, by the Secretary of War—that 820 officers and men be assigned to that particular duty, and there is no reason in the world why they should not be so assigned.

Mr. President, this Army reorganization bill as it now stands before the Senate provides for an Army, in round numbers, of 297,000 officers and men. That force, as a matter of course, will be maintained by the people of the country, at a cost, if my recollection serves me right, in the neighborhood of $700,000,000 annually. All that we are asking is that out of an Army of 297,000 or 298,000 officers and men 820 officers and men be detailed for service with these airplane patrols of the western forests in order that they may assist in the protection of hundreds of millions of dollars' worth of Government property.

We are primarily interested in bringing about the establishment of these patrols. It is a matter of no particular consequence to me how or in what manner it is brought about, so long as it is done; and I shall be very glad to receive any suggestions in respect to it that the Senator from New York may have in mind or may deem it advisable to make.

Mr. CHAMBERLAIN. Mr. President, if I may interrupt the Senator a moment, I believe that if the War Department sees fit to establish an air patrol with the commissioned personnel and the enlisted personnel of the aviation section as they now exist it can do it. It may be uncharitable to express the view, but I do express it, that in my opinion the War Department is not, or has not, been particularly friendly to the Aviation Corps. It opposed the creation of it as a separate corps. It has been maintained, however, and, I think, largely because of the efforts of the Military Affairs Committees of the House and the Senate.

I believe that if the chairman of this committee will accept an amendment by way of a direction to the Secretary of War to require a suitable number of squadrons to go from places where they are only in training to places where their services can be readily utilized in the protection of property at certain seasons of the year they will be sent all right. They have the men; they have the officers. They are down on the border and in other fields, but they are not being utilized now, except for training. They are in training places like Mather Field and March Field, training for war purposes, probably; but there is no better place in the world to train these men than in protecting the forests of the country during two or three months in each year—that is, the fire season.

So, with all due deference to my friend the Senator from Idaho, I believe it will not be necessary to increase the permanent strength. I think that proviso might be eliminated if the chairman will consent to put a direction in this bill to the Secretary of War—not a request, not mere authority, he has that now, but to put a direction in the bill—so that he will understand without any question of a doubt what Congress meant that he should do.

Mr. NUGENT. Mr. President, my suggestion in that connection was made in view of what I believe to be the understanding of the Committee on Military Affairs, which reported this bill, and that is that the number of officers and men for which the bill provides in connection with the Air Service is absolutely necessary for the performance of strictly military duties. Of course, if that contention is, as a matter of fact, entirely correct, then some difficulty might be encountered in having a sufficient number of officers and men detailed by the Secretary of War to properly patrol forests, that not being a strictly military matter.

Mr. WADSWORTH. Mr. President, as I said before, I have no objection to a provision being inserted in the bill which will direct the Secretary of War to organize and maintain this patrol, but I do object to this indirect method of increasing the Army of the United States. It is out of accord with the entire bill. The amendment as offered does not say in what grades these several officers shall be commissioned. It does not say what is going to happen to them when this work is over on June 30, 1921. So I suggest an amendment, which I will read for the information of the Senator from Idaho, that instead of the last proviso as printed in his amendment he insert a proviso of this sort:

Provided further, That for this purpose the requisite number of officers and men shall be detailed from the permanent or reserve personnel of the Air Corps.

Mr. NUGENT. Mr. President, in that connection, permit me to call the Senator's attention to this fact: According to my understanding, under existing law the officers now in the Reserve Corps can only be called to the colors in the emergency of war, and unless it may be considered that the Senator's proposed amendment repeals by implication the statute as it now exists I doubt very much that it would be operative.

Mr. WADSWORTH. Mr. President, I do not think the Senator heard the language:

The requisite number of officers and men shall be detailed from the permanent or reserve personnel of the Air Corps.

Under the terms of this bill any reserve officer may be assigned to any kind of duty in his branch, with his consent. By putting in the words "or reserve personnel" it makes them eligible for duty with this patrol. Also, the permanent personnel, who are the Regulars, can be assigned to it at the discretion of the Secretary of War.

Mr. NUGENT. In view of that statement on the part of the chairman of the committee having the bill in charge, I accept the amendment to my amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. In the proposed amendment of the Senator from Idaho, beginning at line 10 with the word "strength," it is proposed to strike out all down to the period and insert:

Requisite number of officers and men shall be detailed from the permanent or reserve personnel of the Air Corps.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CAPPER. Mr. President, the amendment of the Senator from Idaho having been disposed of, I would like to call up the amendments pertaining to the National Guard provisions of the bill which I offered a few days ago.

I have great regard for the judgment of the chairman of the Committee on Military Affairs on legislation pertaining to military matters, and no one has a higher appreciation of his faithful services in the preparation of this bill than I. But I differed with him on two important features of the bill. The first was that pertaining to compulsory military training, which I regarded as un-American, undemocratic, and unnecessary, and not in line with the needs of the country at this time. We have disposed of that question.

I differ with the Senator from New York also as to the National Guard features of this bill because I believe they are out of line with the best interests of the National Guard. I have had some interest in the National Guard for several years. During four years' service in the executive office of my State

I was ex officio commander in chief of the National Guard of Kansas.

I think we will all admit at this time, Mr. President, that the National Guard of the country is in a more or less disorganized and demoralized condition, as shown by the fact that we have now a strength of only 44,000 in the National Guard, as compared with about 379,000 at one time. I think the National Guard reached its height in August, 1917, when we had a strength of something like 380,000. Previous to the war its normal strength was about 182,000. There is no doubt but that the unfriendly attitude of the Regular Army toward the National Guard during the war resulted in putting the National Guard practically out of existence.

This bill, in my judgment, will not help matters at all. I am for an adequate national defense, which should include a well-equipped Army, an up-to-date Air Service, and, more important than all, I think it should include an efficient, strong, vigorous National Guard. I believe it will be the most important factor in the national defense of the future. But I do not think we can ever build up a National Guard organization under this bill.

I want to read a memorial to the Senate prepared just a few days ago by the adjutant general of the State of Missouri, representing the views of the National Guard of that State. I know it is in line with the sentiments of the National Guard of my own State and I think of the great majority of the National Guard of the country. This memorial reads:

At a meeting of the Missouri National Guard Association held at Jefferson City April 3, 1920, attended by officers of all the units of the Missouri National Guard which served in France during the war with Germany, and of officers of the units organized since the induction of Missouri troops into Federal service, the membership of the convention being composed of officers of those National Guard units now recognized by the Militia Bureau and of those units serving in France which have not fully reorganized and received Federal recognition again, upon motion the following-named committee was appointed to consider the several bills now pending in Congress affecting the National Guard and to recommend such action as was thought proper by the officers of the Missouri National Guard.

Then follows a list of a committee made up of the leading National Guardsmen of that State. Then the memorial goes on:

Such committee composed of representatives of the Missouri units which served in France and of representatives from the newly organized National Guard units, the Seventh Missouri Infantry stationed at Kansas City, and the First Battalion, First Regiment, stationed at St. Louis, by unanimous vote recommended to the association the adoption of the following resolutions, which resolutions were by unanimous vote of the convention adopted:

"The committee appointed to consider legislation pending in Congress affecting the National Guard beg leave to submit the following recommendations:

"It is the view of the members of the committee, based upon their service in the National Guard extending over a period of many years, that it will never be possible to enlist and maintain the interest of those who have heretofore served and who are now willing to serve in the National Guard, unless the status of the federalized State troops be definitely fixed and the rights, obligations, duties, and responsibilities of the citizen soldier be so clearly defined that it will be impossible by arbitrary rulings, regulations, and interpretations to nullify the terms and misinterpret the spirit of the laws passed by Congress intended to make possible the organization and maintenance of an efficient National Guard in the several States.

"To this end we strongly recommend legislation which will make of the National Guard a separate corps organized, armed, equipped, and trained on the same plan as the Regular Army, but not under the control of the General Staff. We point to the wonderful efficiency of the Marine Corps, which sustained the same general relation to the Navy which we believe the National Guard should sustain to the Army.

"We regard it as of the most vital importance that the Militia Bureau or National Guard Division be a separate and distinct bureau or division, wholly without the jurisdiction or control of the General Staff, or of any other bureau, office, or department, and responsible only to and functioning directly under the Secretary of War. We believe the personnel of such bureau or division should be made up of experienced National Guardsmen.

"We have closely studied the National Guard provisions of the Wadsworth bill and we unhesitatingly affirm our opinion that the passage of this bill in its present form would have the effect of destroying the National Guard. Should this bill pass we recommend to the governor the disbandment of all existing units and the abandonment of any effort to revive the old units. The powers given the General Staff under this bill are as sweeping as those exercised by the German General Staff, and it would be impossible, in our judgment, to organize and maintain civilian troops under this law in time of peace without resort to the draft."

Mr. POMERENE. Mr. President, there is so much confusion in the Chamber that we are not able to hear one-half of what the Senator says at this distance. I would like to ask him whose opinion it is he is reading.

Mr. CAPPER. The memorial is signed by H. C. Clark, adjutant general of the State of Missouri, speaking for the entire National Guard of the State of Missouri, as he was directed by a meeting held two weeks ago at the State capital of Missouri for the purpose of considering the Wadsworth bill, and especially its National Guard features.

The memorial proceeds:

We call attention to the fact that the defense act has never been given an honest trial by a sympathetic and sincere effort on the part of the War Department to build up the National Guard under its provisions. We believe with certain necessary amendments this act will accomplish the purpose for which it was intended, and we strongly urge the incorporation of the amendments to this law attached to this report.

We recommend that a copy of this recommendation be furnished the representatives of this State in the Senate and the House of Representatives and that a committee of three be appointed by the president of the association to cooperate with the adjutant general in advocating legislation in accordance with the views herein expressed.

Mr. President, the amendments I offered here a few days ago and which I call up to-day are the amendments which are recommended in this memorial to Congress. I might add that the Adjutant Generals' Association of the United States held a meeting here the past week, carefully considered all of the provisions of this bill, and the amendments proposed by me meet with their entire approval. In fact, they were prepared and submitted to me by the Adjutant Generals' Association.

Mr. WADSWORTH. Mr. President, will the Senator state how many adjutant generals were here?

Mr. CAPPER. I do not know just how many, but I know that the president of the association, Gen. Charles I. Martin, of my State, who is one of the strongest, most capable, and best-known National Guardsmen in the West, was here throughout the week and was very much interested in this matter, and he represented to me that these amendments reflected the wishes of at least nine-tenths of the National Guard organizations of the country, and I think he is correct.

Mr. POMERENE. Mr. President, perhaps the statement read by the Senator from Kansas explained what I am about to ask. If so, I do not care to have him repeat what is stated in the memorial. But as I gather from the statement, the writer was content to give conclusions merely, rather than to discuss the respective principles of the bill. I would like to have the Senator briefly explain the basic differences between the pending bill and his proposed amendments.

Mr. CAPPER. I shall be glad to do that. I will say to the Senator from Ohio, I shall be glad indeed to make a statement that will, I hope, give a better understanding of the amendments which are asked by the National Guard associations. I believe that these amendments are desired by the National Guard organizations of practically every State in the West.

Mr. President, under Senate bill 3792, now before the Senate, the National Guard is brought under the Army clause of the Constitution. The purpose of sections 1 and 15 of these amendments which I have offered is to strike from Senate bill 3792 those provisions which bring the National Guard under the Army clause of the Constitution and reestablish the provisions of the national defense act, which provides for the organization of the National Guard under the militia clause of the Constitution. There are but two provisions in the Constitution that give the National Government power to organize its land forces, one of which confers powers to raise and support armies and the other which deals with the militia. If the people of the United States are ready to subject their sons to military service in time of peace for a term of years, during which they will be entirely withdrawn from civil life, then the military forces of the country may be organized and trained by the Federal Government under the Army clause, for an army is a body of men whose business is war; but if the other scheme is adopted, by which our young manhood shall be organized into a body of men composed of citizens ordinarily occupied in the pursuits of civil life but organized for discipline and drill and called into the field for temporary military service when the exigencies of the country require it, then such an organization will be legalized militia and will be able to exist only under the militia clause of the Constitution. Civilians who are engaged in the civil pursuits and who are willing to give up a portion of their time to military training will not enter a Federal force which is controlled by a central federalized authority, but they will join the National Guard, which is a State force, officered by men selected by the governors of the States; a force for which the Federal Government prescribes and provides for the arming, organizing, and disciplining, as provided by the Federal Constitution. The other amendments propose to amend the sections of the national defense act.

Mr. President, another change reduces the size of National Guard units. Under existing laws National Guard units are required to comply with the tables of organizations established for the regular service. At the present time these tables require that a company of Infantry must have 100 enlisted men. It has been found impracticable and impossible in many cases to maintain organizations of this strength, either in the Army or National Guard. Especially is this true in the smaller cities. It is important that the National Guard be reorganized as promptly as possible. It has been found impossible to reorganize the National Guard with companies with a strength of 100 men. The House has recognized this fact and in their

bill have provided for the reorganization of the National Guard units at a minimum enlisted strength of 50 men until July 1, 1921, and thereafter with a minimum strength of 65 men. This amendment is the same as the provision of the House bill and along the lines suggested by Gen. Pershing in his hearing before the joint Military Committees of the House and Senate.

Other changes proposed are as follows: Section 3 amends section 69 of the national defense act, which provided for an enlistment in the National Guard of three years' active service and three years in the reserve. This amendment provides for a three years' enlistment. It also provides that persons who have served in the Army for not less than six months and who have been honorably discharged therefrom may within two years after the passage of this act enlist in the National Guard for a period of one year and reenlist for a like period. Men who have served during the war feel that they have done their bit and do not care to take on a three years' enlistment, but many of them would like to assist in the reorganization of the National Guard and are willing to enlist for one year. This gives them an opportunity to help out in the reorganization of the National Guard and the training of the new National Guard.

Section 4 amends section 70 of the national-defense act by making the enlistment oath conform to the new term of enlistment.

I think that change has already been made.

Section 5 permits discharges from service in the National Guard under regulations prescribed by the President, except when the National Guard is drafted into the service of the United States under section 111 of the defense act.

Section 6 amends section 74 of the national-defense act by adding to eligible list for appointment as National Guard officers and enlisted men who served during the World War.

The language of section 7 as amended will permit the enlistment of those who served during the war with Germany and are willing to answer a Federal call in an emergency, but who do not care to obligate themselves to attend routine drills, and so forth. These are veteran soldiers and hence should not be required to undergo the training required of the active National Guard. They are required to report at the annual inspection and may elect to go on the active list, participate in encampments, and so forth. Included also in such reserve will be National Guardsmen who, after enlistment in a unit, have so changed their residence or occupation as to be no longer available for active duty. This will give the Federal Government the advantage of a very large trained reserve which would not otherwise be available.

Section 8 amends section 76 of the defense act by striking out the words "as far as practicable." Section 111 of the defense act provides that commissioned officers of such organizations shall be appointed from among the members thereof. This made these sections inconsistent with each other and permitted the War Department to ignore the provisions of section 111 of the defense act and appoint officers outside of National Guard organizations to National Guard organizations, permitting the War Department to fill vacancies in the National Guard from other sources than the National Guard, thus defeating the intent of Congress in providing that officers of the National Guard should be selected from organizations of the National Guard.

Mr. President, the Militia Bureau should have a fixed status and certain and definite functions. Members of the National Guard contend that it should be a separate bureau, functioning directly under the Secretary of War and not through the Chief of Staff. They feel that it should be composed in part of National Guardsmen who are familiar with National Guard conditions. They believe that the Chief of the Militia Bureau should be free to formulate policies for the increased efficiency of the National Guard and that militia affairs should be administered by the Militia Bureau without interference from other organizations in the War Department. The Secretary of War is, of course, in supreme charge, but the Chief of the Militia Bureau should be free to take matters up with him direct. Both the Wadsworth bill and the pending amendment provide that the chief of the bureau or division shall be a National Guardsman, and this is seemingly the consensus of opinion in both House and Senate committees. The Senate bill provides for a personnel composed in equal parts of officers of the Regular Establishment and civilians and obviously the Chief of the Militia Bureau should have the assistance of officers from both services.

Section 12 amends section 109 of the defense act. This section provides for the pay of officers of the National Guard and fixes the pay on a basis of a day's pay for drill and requires the officers of an organization to have 60 per cent of the enlisted strength and 50 per cent of the officers present at drill before the officers are entitled to draw pay. This change in the pay for officers is intended to fix the responsibility for the attendance of the organization on the officers and punishment for failure to secure the attendance of the enlisted men is placed upon the officers and not upon the enlisted man, as heretofore. This change was recommended by the Militia Bureau and was made in the House as a provision of the House bill.

Section 13 amends section 110 of the defense act. It provides for drill pay of enlisted men; also amends the law so as to provide for monthly pay instead of semiannual. The incentive which drill pay gives is lost in a large part when payments are so long deferred. It is thought that this will add greatly to the feature of the law and will not be burdensome on the supply department of the Army, because provision is made for the payment of troops by the State property and disbursing officers, if the Secretary of War so desires. Payment of troops attending camps of instruction is at present made by State property and disbursing officers from funds allotted by the War Department, and it is thought that monthly payments could be handled in the same way. Members of no other organization in the world are required to wait six months for their pay.

Section 14 is an amendment to section 111 of the defense act. The purpose of the changes in this section from those in the defense act is to prevent the disorganization of the National Guard when it has been drafted into the service of the United States, as it was during the World War, when these organizations returned to their home States. By mustering out the National Guard units when they returned from the war the State and Federal Governments lost this force when it had reached its highest state of efficiency and left the States without any troops and the Federal Government without this valuable asset for defense purposes.

Mr. President, in the Great War the War Department virtually wiped out our National Guard by breaking up its organization when merging it with the Federal forces and resorted temporarily to a conscription to raise a big army. I think it was a very great mistake to wipe out the National Guard organization. But, notwithstanding this great injustice, it is conceded that no troops fought better in the World War than did the National Guardsmen. Let me add that under this system there is no need of a large Regular Army or of compulsory military training, if we can put in the field a well-trained guard recruited in 48 States, for the most part from the young men of the towns and cities and rural communities.

Mr. President, every State needs such a military police force as the National Guard. Without it the States would be compelled to adopt some form of State constabulary to take its place. Consequently we can hardly improve on such a citizen army as the Constitution under the militia clause has provided in the National Guard, and it is equally available for a national emergency. But I believe the plan set forth in the bill now before us would result in putting the National Guard out of business and greatly weaken our national defense.

The amendments I have offered, I might say, are very much in line with the House military bill, and they are, I believe, approved and indorsed by at least nine-tenths of the National Guard organizations of the country to-day.

Mr. WADSWORTH. Mr. President, the matter brought up by the Senator from Kansas [Mr. CAPPER] affects one of the fundamentals of the entire bill. Senators may remember that in my opening remarks describing the work of the Senate Military Affairs Committee and the kind of bill it had proposed, I used the expression "one army." I said then, as has been said often since, that we endeavored to establish a military system which would be adequate and automatic, and that we should have one Army of the United States for the defense of the country.

The amendments to the bill offered by the Senator from Kansas destroy entirely the idea of one army, and if adopted will continue the situation which has existed for many, many years, in which the country, under the strict definition of the status of the several parts of our military defense, will have 49 armies, one Regular Army and one from each State, 48 in number, making a total of 49.

The question of the treatment of the National Guard has been an exceedingly difficult one. The subcommittee had upon it Senators who are in deep sympathy with the Guard. The Senator from Indiana [Mr. NEW] is an old National Guardsman. The Senator from New Jersey [Mr. FRELINGHUYSEN] was a National Guardsman. I myself have been associated with the National Guard and have kept in very intimate touch with hundreds of its officers and men. The Senator from Oregon [Mr. CHAMBERLAIN] is an old National Guardsman in the State of Oregon.

The assertion was made upon the floor of the Senate the other day that the bill ruins the National Guard, and that it was done at the instance of the Regular Army. That statement was made by the Senator from Missouri [Mr. REED]. The truth is that the bill does not ruin the National Guard, and the provisions of the bill that have to do with the National Guard did not emanate from the Regular Army in any degree whatsoever. They emanated from National Guardsmen, officers whose names I shall recite, and from whom I shall quote in part.

I have had a deep sympathy for many years with the guard and its unfortunate status with respect to the Regular Army. Those who have not studied the situation find it very difficult to understand the handicaps which the guardsman has encountered. During most of his attempts at training himself to be a soldier to defend his country he has been neither fish nor fowl. He has not belonged to the Army of the United States. The Army of the United States, consisting entirely of Regulars, has, through some of its officers at least, let him understand that pretty frequently. He has been referred to, as is proper under the present status, as a militiaman. He has been unavailable for duty with the Regular Army in time of peace. His status is such that by the very nature of the case he can not be consulted in an official capacity in those matters which affect the National Guard. In other words, he does not "belong to the club," if I may use that expression.

The subcommittee which drafted the bill consulted with a great many guard officers. It consulted especially with guard officers who served in the American Expeditionary Forces, who have been through the mill, who have encountered the handicaps not only in time of peace but in time of war, to which the guardsman is subjected under the present situation. Every one of those officers whom we have consulted is in favor of the bill—and we have consulted a great many.

Now, just a word as to how this thing originated. The Senate may remember that the American Legion held a national convention at Minneapolis last year which was composed of citizen soldiers——

Mr. CHAMBERLAIN. Before the Senator takes that up, may I ask him whether the National Guardsmen who were consulted by the subcommittee were confined to any particular section of the country?

Mr. WADSWORTH. They were not.

Mr. CHAMBERLAIN. Or did they represent the National Guards in different States?

Mr. WADSWORTH. They did, in several different States. They are all fighting men, too.

The American Legion held its national convention at Minneapolis last year. That convention was made up, as I said a moment ago, of citizen soldiers, former officers and men of the National Army and the National Guard who had served in the Federal service. The former enlisted men were in the majority at that convention. In fact, no distinction is made in the Legion between former officers and former enlisted men. All rank and title is dropped. That convention, after an extended debate, adopted a set of resolutions on the question of the military policy of the United States.

Mr. CHAMBERLAIN. May I ask the Senator to what convention he is calling attention?

Mr. WADSWORTH. The Minneapolis convention of the American Legion. There were over a thousand delegates there.

I will read only a few paragraphs from that resolution.

1. That a large standing army is uneconomic and un-American; national safety with freedom from militarism is best assured by a national citizen army and navy based on the democratic and American principles of the equality of obligation and opportunity for all.

2—

It may be useless for me to read this, for the Senate has already passed upon it.

2. We favor a policy of universal military training, and that the administration of such policy shall be removed from the complete control of any exclusively military organization or caste.

The last part of that paragraph is significant. I shall discuss that particular suggestion in connection with the National Guard provision which we arrived at under the bill.

4. We have had a bitter experience in the cost of unpreparedness for national defense and the lack of proper training on the part of officers and men, and we realize the necessity of an immediate revision of our military and naval system and a thorough house cleaning of the inefficient officers and methods of our entire Military Establishment.

* * * * * * *

5. The national citizen army, which should and must be the chief reliance of this country in time of war, should be officered by men from its own ranks and administered by a general staff on which citizen-soldier officers and Regular Army officers shall serve in equal number.

You will notice, Mr. President, that the legion uses the term "national citizen army" as the reliance of the country. The convention at Minneapolis appointed a committee to come to Washington and consult with the Military Committees of the House and Senate and to interpret to the committees of the House and Senate the ideas contained in this resolution adopted by the convention. That committee came before the Committee on Military Affairs of the Senate. On it were the former Secretary of War, Mr. Stimson, a former National Guard officer; on it was Mr. F. W. Galbraith, a colonel in the Ohio National Guard, who served in the Thirty-seventh Division; on it was Mr. Foreman, a colonel in the Illinois National Guard, who formerly commanded the First Illinois Cavalry and during the war commanded a regiment of Field Artillery of the Thirty-third Division, the Illinois National Guard division. There was one other officer, who was a National Guard officer, who did not attend the meeting, as he had too far to come; but half of the officers who appeared before our committee representing the legion were guard officers. They prepared a statement, a portion of which I want to read for the information of those Senators who take an interest in the National Guard.

They—

Meaning the members of the legion—

believe that this citizens' army should be trained so far as possible by citizen officers, and its units localized in the territory from which they come, but that it must be trained solely as a national army under the authority of the National Government for use only in time of war.

Mr. Galbraith presented a statement on behalf of the committee. He said in explaining it:

One observation, which is referred to indirectly, is this: That any military organization, any army, should be an army, one army, the United States Army. It may be composed, and would have to be composed, of professional soldiers and citizen soldiers, but that should be the only distinction.

The CHAIRMAN. I assume from that that you would assume such an army being raised and maintained under the so-called Army clause of the Constitution?

Mr. GALBRAITH. Yes, sir.

That was the conclusion of the American Legion. We went on and discussed with those men the status of the National Guard. They sat with us hour after hour, not only in open hearings but in executive session upon several occasions. They were unanimous in the belief that the National Guard should be brought under the Army clause of the Constitution; that it would prosper under that Army clause; that not only would it be organized upon a more efficient basis, but that its officers and men would stand upon a better plane with respect to the Regulars. The bill was drawn with their assistance.

Later another series of conferences was called, and to those conferences came some additional National Guard officers. Among them I remember Maj. Gen. John F. O'Ryan, who commanded the National Guard division, the Twenty-seventh Division, from the State of New York. I think it fair to say that Gen. O'Ryan has contributed more to this bill, in its National Guard features, than has any other officer with whom we consulted.

Mr. POMERENE. May I ask does he approve the bill in its present form?

Mr. WADSWORTH. Absolutely.

Mr. POMERENE. And may I also ask did Col. Galbraith, of Ohio, approve it?

Mr. WADSWORTH. Col. Galbraith, of Ohio, also approved it, as also did Col. Foreman.

Mr. POMERENE. I asked that question especially because I know that Col. Galbraith is an officer who stands high in the National Guard service.

Mr. WADSWORTH. He has a most excellent standing.

Gen. O'Ryan has studied this question for years. He has occupied every grade in the National Guard from private to major general; he has been through the mill. In adddition to that, he is a graduate of the Army War College, having made a special request that he be permitted to study there. His record abroad—he was the only non-Regular who commanded a combat division in the recent war—speaks for itself. For years he has been urging that the National Guard be given the same privileges and the same status as the Regulars; that its officers, with their consent, be made available and eligible for any kind of duty in time of peace. He, in common with many other lawyers, believes that that can not be done so long as National Guardsmen are miltiamen. The function of the militiaman is prescribed by the Constitution. The President, pursuant to act of Congress, may use the militia solely for the purpose of repelling invasion, suppressing insurrection, and executing the laws. Militiamen can be used for nothing else at any time, in peace or in war. That has placed them, it may surprise some Senators to know, in a very difficult position and has kept them there all these years.

Under the present situation when war breaks out the President summons the Organized Militia, or National Guard. They are then mustered into the Federal service.

There is a vast amount of paper work to be done; the officers and men all have to be examined; and guardsmen have complained—and perhaps with some degree of justification—that it is at that very point when the officers and men of the National Guard, being militiamen, being mustered into the Federal service, that they are subjected to injustice; that in examining the officers and men some efficient officers and some good men are eliminated by the Federal mustering officers, and that units of the National Guard are disturbed and disrupted.

Mr. POMERENE. They are eliminated for what reason? Because of a difference between the State law and the National law?

Mr. WADSWORTH. Because of alleged differences in standards of efficiency.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from New York, carrying out still further the idea suggested by the Senator from Ohio, would it not be possible to frame the present bill so as to obviate that very injustice, so that without incorporating the National Guard as a part and parcel of the Regular Army they could be left under the control of the General Staff?

Mr. WADSWORTH. No, Mr. President; it is impossible to do that, because the Federal Government has no control over the training of the militia, and it is only by reason of the control over training that the efficiency of officers and men can be ascertained. The States have control of the training of the militia. It is for that reason that the Federal Government, when it musters the militia into the active Federal service, insists and always will insist—and you can not deny it—upon the right of combing out these men who they say are inefficient and have not been trained. They have had no control over that training prior to the moment when the men are mustered in; but, in any event, at that point commences the disruption of the guard units of which we hear so much complaint. Even with war declared and the National Guard in its present status mustered into the Federal service, it can then only be used to repel invasion, and, therefore, it is not a truly national force; its mission is limited; it can not take part in any war involving the sending of troops outside the United States. That was admitted in 1916 when the national defense act was drawn. The National Guard officers themselves admitted that they did not like to be put in that category; they wanted to be soldiers of the United States, available for any kind of duty in time of need when war is declared by Congress. So a provision was put in the national defense act in 1916 authorizing the President when war breaks out to draft into the Federal service the officers and men of the National Guard; to draft them, mind you, as individuals, not to draft them as units, not to take whole regiments or whole batteries or whole brigades or divisions, but to draft them as individuals. That is the only way that a draft can be imposed. That provision was put in the national defense act in order to make the National Guard a national force available for any kind of military duty in time of war. That provision met the approval of the National Guard. They wanted to be known as Federal soldiers primarily, with the State obligation secondary.

That provision was in effect when we went into war with Germany, and all the National Guardsmen, officers and men, were drafted into the Federal service.

Mr. SMITH of South Carolina. Mr. President, is it not in the power of Congress to recognize the units as well as the individuals? Why would it not be possible for the National Guard in the States, who secondarily would serve the State as is provided in this very bill, to become a part and parcel of the national force of the National Army, and at the same time hold their distinct State units? Why would it not be possible for us so to legislate that in the event of war and a resort to the draft National Guard units as unified and perfected organizations instead of as individuals could be drafted into the Army?

Mr. WADSWORTH. Mr. President, you can not draft the unit without drafting the individuals.

Mr. SMITH of South Carolina. I understand that; but here is a military unit already perfected, already organized and officered. Why is it not within the province of Congress to provide certain standards which they shall observe, and then when war shall break out, without disorganizing and disrupting the units and incorporating them into what is technically known as the Regular Army, allow them to go in as their organizations have been perfected?

Mr. WADSWORTH. A great many difficulties will be encountered in attempting any such thing. If all the units of the National Guard in every State enjoyed a uniform degree of efficiency, yes; but they do not do so, and can not do so, so long as they are under the militia clause, because there is no authority to govern the training in a uniform manner.

Now, let me say to the Senator that what he desires to be brought about, which is the recognition of existing units of the National Guard, is just what our bill accomplishes.

We avoid that very thing, which has been such a handicap to the Guard, and which in this last war tore it all to pieces and scattered its personnel throughout the entire Army. We do not want that done again, and we propose to put the Guard upon a status in which it will not be done.

Mr. SMITH of South Carolina. But, if the Senator will allow me, that necessitates their being under the control and direction of the General Staff of the Regular Army.

Mr. WADSWORTH. And we give them representation on the General Staff, which you can not do effectively and efficiently if they are militiamen. They never have had it before, and they can not get it. I want to make a National Guard officer just as good as the Regular in his rights and privileges and his opportunities to serve, and he can not have those things so long as he is merely a militiaman in time of peace. He "does not belong," and they let him know that he "does not belong," too.

Mr. SMITH of South Carolina. But while their units would be kept intact and their officers would receive recognition, in that certain officers designated by the Regular Army would be nominally chosen by the governor, they would still be under the control and direction of the Regular Army without any compensation whatever so far as their State organization is concerned. In other words, they would be subject entirely to the control of the General Staff whenever they saw fit to have certain rules and regulations by which they were to be governed, to the total destruction of anything like a State militia.

Mr. WADSWORTH. Why, Mr. President, that is the trouble to-day. They are subject to the rules and regulations of the Regular Army General Staff in all matters of organization, in all matters of discipline. They have no representation. Their voice is never heard. They are never brought into council. They have no authority, and they can not be heard. They can not have authority, they can not be brought into council, while they are militiamen. They "do not belong." We propose that they shall belong, and shall be eligible to any kind of service in time of peace with their consent. This bill of ours establishes but one Army of the United States, divided into two categories—the permanent or professional personnel and the reserve or citizen personnel. The National Guard of the United States is to be a part of the reserve or citizen personnel.

Its officers are to be officers of the Army of the United States. They are also to be officers of the State troops of the States in which they live, commissioned by the governor, but that State commission is to be a secondary commission. The primary commission, the fundamental commission, is the commission as an officer of the United States Army reserve. But this bill provides that reserve officers—and that would include National Guard officers—are available for any kind of duty with their consent, and the bill further provides that one of them, a reserve officer who is at the same time a National Guard officer, shall be at the head of the National Guard Bureau in the War Department, and that 25 of them shall be on the General Staff and distributed in every committee of the General Staff, so they will be heard in everything that comes up with respect to the plans, preparations, and regulations of the Army.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. WADSWORTH. Certainly.

Mr. CHAMBERLAIN. The Senator from South Carolina [Mr. SMITH] speaks of the national-defense act of 1916, and its protection of the National Guard. I will ask the Senator if it is not a fact that when the National Guard were drafted into the service under the act of 1916 they went in individually, with the result that the National Guard units were broken up entirely in many cases, not in all, because they were kept together in some; but members of the National Guard of one State drifted into divisions composed of National Guards of other States, and sometimes of Regular Army officers.

Mr. WADSWORTH. Certainly.

Mr. CHAMBERLAIN. In other words, young men have come to me and have written to me advising me that they were sent forward as replacement troops from their home unit, and never saw their unit again until after the armistice was signed.

Mr. WADSWORTH. That is the whole trouble.

Mr. CHAMBERLAIN. The proposition involved here is to unify the National Guard, in a measure, because they may be created into units which can be maintained as State organizations.

Mr. WADSWORTH. They can be maintained as State troops, doing the same kind of service that they do to-day in the protection of the State against internal disorder. There is no

difference whatsoever in the kind of service which National Guardsmen will perform under our bill as contrasted with the service which they perform under the national-defense act, the existing law. They will be the same men, they will be the some regiments, located in the same places; but instead of being organized under the militia clause they are going to be organized under the Army clause; and when you get them under the Army clause you put them on an equal footing with the men who draw the regulations here in Washington; and until you get them on an equal footing with the men who draw the regulations they will never be consulted; at least, there can be no assurance that they will be consulted.

Mr. SIMMONS. Mr. President, I understood the Senator to say that these officers would be appointed by the governors of the States, but that the commissions issued by the governors of the States would be secondary to the commissions issued by the United States. That fact, however, does not disturb the primary right of the governor to select the officers, as I understand. Am I correct about that?

Mr. WADSWORTH. His selection is restricted in this way: He must select the officers of the National Guard of his State from the reserve officers residing in his State. In other words, the way it will work will be just this:

You have a National Guard in North Carolina. If this bill should pass the duties of those officers and men would not change in the slightest degree; but those officers of the National Guard of North Carolina, under the terms of this bill, are made immediately eligible for reserve commissions in the Army of the United States. They can take those reserve commissions and they become the basic commissions, and the governor of North Carolina gives them State commissions; that is all.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from New York yield to the Senator from South Carolina?

Mr. WADSWORTH. Certainly.

Mr. SMITH of South Carolina. I want to get that clear. The Senator means that the present officers of the National Guard residing in North Carolina, under this bill, if it shall pass, will be the source from which will be drawn by the governor the officers that will officer the guard?

Mr. WADSWORTH. So long as they consent. It is all with their consent. The whole thing is voluntary, of course.

Mr. SIMMONS. That applies, as I understand, to the present officers; but suppose other officers are to be appointed?

Mr. WADSWORTH. They must be reserve officers, in the first instance, and the governor of the State is to recommend them; and without his recommendation they can not be appointed officers of the National Guard.

Mr. SIMMONS. So that the only limitation upon the power of the governor is that the appointee must be a reserve officer?

Mr. WADSWORTH. A reserve officer.

Mr. SIMMONS. I wish to ask the Senator just one other question. Unfortunately I have not been able to be in the Chamber during the discussion upon this bill, and I have not examined it very carefully; but I should be very glad, and I think it would be helpful to a number of us if the Senator would explain exactly what is the jurisdiction of the State authorities over the National Guard units located in the States and to what extent these powers that have heretofore been exercised by the State authorities over the control and direction of the militia, so to speak, differ from the powers that will hereafter be vested in the State authorities over this reorganized National Guard.

Mr. WADSWORTH. Yes, Mr. President; it is very clear in the bill. On page 84, section 68, will be found the provision which protects the States and makes this force available for State use. It is found in this proviso, commencing on line 4:

Provided, That the States and Territories in time of peace, and subject to such regulations as to expense, property accountability, and other matters as may be prescribed by the President, shall be entitled to use as State or Territorial troops, under the direct orders of the governor of the State or Territory, so much of the National Guard of the United States as is within their respective borders and not at the time in active service under a call by the President.

Practically what they do to-day.

Mr. SIMMONS. There is no change so far as concerns the right of the governor to call them into action at any time he may see fit for purposes of State protection, or police duty, or any other purpose for which the old militia can be used?

Mr. WADSWORTH. None at all. He may use them for any purpose. Mr. President—this is a rather interesting legal question—it took the committee a long time to arrive at a conclusion which would permit the National Guard to belong to the Army of the United States and still make them available for State use. Clearly, you can not do both under the militia clause. We believed it could be done under the Army clause, but what puzzled us for a long time was what their status would be when under the command of the governor. Then we encountered that provision in the Constitution which says that no State shall maintain troops without the consent of Congress. This bill, in effect, gives the consent of Congress for the States to maintain troops in the way laid down by the bill—that is, the National Guard—and while under the orders of the governor, performing State duty, they will be acting as State troops under that clause of the Constitution which says, by implication at least, that States may maintain troops when Congress consents. They will not be organized militia. They will be organized State troops under the command of the governor, but their obligation to the governor and to the State is secondary to their obligation to the Nation. They can not be used by the governor if they are in the active service of the United States, nor can the militia to-day. The National Guard of North Carolina or the National Guard of New York to-day, although they are militiamen, are not available to the use of North Carolina or of New York when they are in the Federal service by call of the President. For instance, when the President summoned the guard in 1916 to go to the border, he did it under that provision of the Constitution which provides that the militia may be used for the repelling of invasion, and he took the guard away from New York and he took the guard away from North Carolina, and for that period of time those soldiers were not available for the uses of those two States. So there is no difference in actual effect between the present situation and the one we propose. We have to amend the oath which they are to take, and I want to read that to the Senator.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. WADSWORTH. Certainly.

Mr. POMERENE. The Senator has said that there is no real difference between the present situation and the one that the committee proposes.

Mr. WADSWORTH. Yes; except that the guard, we believe, gets a much more advantageous status.

Mr. POMERENE. I was going to ask the Senator to pursue that thought a little further, and point out what the difference would be between the committee bill and the amendment proposed by the Senator from Kansas [Mr. CAPPER].

Mr. WADSWORTH. The amendment proposed by the Senator from Kansas would merely result in the continuation of the present situation; that is all. That is its intention. The opposition to this thing comes very largely from State adjutant generals. I differ with the Senator from Kansas about the officers and men of the guard being opposed to this thing. I do not think they are. Everyone to whom I have had it explained is heartily for it, and they have expressed to me a good deal of restlessness and resentment at some of the adjutant generals who dislike to surrender a little power. Only nine of the adjutant generals came here the other day, according to my best information. Two of them agreed with the bill, told their Senators so, and went home, the adjutant general of New York, and the adjutant general of Maryland.

Mr. BRANDEGEE. Mr. President, before the Senator proceeds to read the oath of which he has spoken, did I understand him to say that, in his opinion, where the Constitution prohibits the use or maintenance of troops by the States without the consent of Congress, it means the same thing when it speaks of troops that it does when it speaks of the militia of the States?

Mr. WADSWORTH. No; I think most decidedly the meaning of the word "troops" is different from that of the word "militia."

Mr. BRANDEGEE. I rather thought so. I am not at all up to date on this subject by any recent reading, but it lingered in my mind that in the preparation of the selective-service law there was some distinction claimed, and that "troops" meant something different from what "militia" meant.

Mr. WADSWORTH. The word "troops" does not have the same meaning as the word "militia."

Here is the oath which is to be taken by the National Guard officers. This is now in the bill:

Provided further, That all officers of the National Guard who have taken and subscribed to the oath prescribed for officers in the act of Congress approved June 3, 1916—

In other words, those are the present-day National Guard officers—

may be commissioned as reserve officers in the several grades now held by them with original date of rank and be recognized as officers of the National Guard of the United States.

That takes care of the present-day National Guard officer of the State of North Carolina or any other State.

All officers of the Organized Militia of the several States and Territories and the District of Columbia, and all persons hereafter to be commissioned as officers in the National Guard of the United States shall, upon being commissioned under the provisions of this act, take and subscribe to the following oath:

"I, ——— ———, having been appointed a ——— in the National Guard of the United States, do hereby solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the United States; that I will obey the orders of the President of the United States; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of ——— in the National Guard of the United States upon which I am about to enter. I do further solemnly swear to bear true faith and allegiance to the State of ——— and to obey the orders of the governor thereof, subject to the Constitution and laws of the United States. So help me God."

The proposed law says that these men can only be used by the Federal Government in time of war, and that they shall be available and under the orders of the governor in time of peace for the purpose of maintaining order within the State.

Mr. SIMMONS. Mr. President, I wish to ask the Senator a question. He has studied this question, and I think he has mastered it as no other Senator has. Under the plan of his bill, does the Senator think that on account of the superior authority of the United States there would likely arise situations during times of peace which might bring about a conflict of authority between the States and the Federal Government?

To illustrate what I mean: Suppose during times of peace the governor of the State should desire to use the National Guard in his State in a certain way, and the officers of the Federal Government having superior authority should demur, and should interdict such order as the governor might make in the premises. Does not the Senator think that that might be possible, and might breed trouble?

Mr. WADSWORTH. Mr. President, I believe it is impossible. Under this provision the authority as between the two is well defined. With the guard brought under the Army clause, I have already described the commissioning of the officers. The training would then be under the control of the Federal Government, as it should be. You can not have 48 different kinds of training. I do not mean to say there have been 48 different kinds of training, but there has been a lack of uniformity in the training of the National Guard of the several States. The training would be under the control of the Federal Government. That is all the Federal Government gains by the change, but it is an important change for the National Guard.

Mr. SIMMONS. It is not training that I have in mind; it is what happens after the period of training has been completed.

Mr. WADSWORTH. The training is continuous. The drill is part of the training.

Mr. SMITH of South Carolina. The interpretation of the bill by the Senator is that in times of peace the National Guard within a given State is subject entirely to the command and control of the governor, so far as use in an emergency is concerned?

Mr. WADSWORTH. That is true inside of the State.

Mr. SMITH of South Carolina. And only in time of war is it subject to the control of the Commander in Chief of the Army of the United States?

Mr. WADSWORTH. In time of war or threatened war.

Mr. SMITH of South Carolina. That is what I mean; in time of national disturbance, which necessitates the mobilization of officers and men.

Mr. SIMMONS. Then, if I understand the Senator, he holds that in time of peace the practical authority and control are in the governor of the State and not in the Federal Government?

Mr. WADSWORTH. Not for its internal management; no. It is made available to the governor and the State for specific use at any time when it is needed. But all that has to do with the training, with the regulations which govern them, providing, for example, how many sergeants there shall be in a company, how many machine guns to a regiment, and things of that sort, emanates from Washington, practically as it does to-day. The military command runs through a channel finally reaching Washington, but whenever the governor wants the services of the guard all he has to do is to call them.

Mr. SIMMONS. That is to say, in all matters in which the governor, under the bill, has the right to their services and to their control, his authority is supreme?

Mr. WADSWORTH. It is supreme, unless they happen to be in the active service of the United States. Then he can not have them.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. WADSWORTH. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Then they could only be in the active service under a call of the President?

Mr. WADSWORTH. Under a call of the President and in accordance with the provisions of this bill.

Mr. McKELLAR. Did any amendment which the Senator offered the other day change the method of securing the officers?

Mr. WADSWORTH. Oh, no.

Mr. McKELLAR. Will the Senator state just how the officers are appointed under this bill?

Mr. WADSWORTH. I have just done that at some length, but I will do it again.

Mr. McKELLAR. I have just come into the Chamber. I am sorry I was not here.

Mr. WADSWORTH. The bill merely provides that National Guard officers in the future shall also be reserve officers, and the reserve commission is the basic commission. The bill provides that a present-day National Guard officer shall be eligible, immediately on the passage of this act, to take out a commission as a reserve officer, and having taken out a commission as a reserve officer he is an officer of the Army of the United States. Then he has a secondary commission from the governor of his State, and under that he promises to obey the orders of the governor in the matter of the use of troops by governors for the protection of States against disorder. The personnel would be the same as now in the National Guard. Every National Guard officer will be eligible under this bill to a reserve commission. All he has to do is to take out a commission as a National Guard officer of the United States, and his reserve commission entitles him to be regarded as an officer in the Army of the United States, and he can be assigned to any kind of duty with the Regulars, or away from them, with his consent, in time of peace.

Mr. McKELLAR. Does the Senator think that conforms to the constitutional provision?

Mr. WADSWORTH. Absolutely.

Mr. McKELLAR. I do not know whether the constitutional provision has been discussed by the Senator or not. It provides that the governors of the several States shall appoint the officers of the militia, but as I understand this provision the governor merely approves; they are appointed by the War Department. Substantially that is what it means.

Mr. WADSWORTH. That is true under the militia clause, but we are taking the guard out from the militia clause and putting them under the Army clause.

Mr. McKELLAR. Then they are no longer State militia.

Mr. WADSWORTH. They are not State militia; they are State troops, available for the use of the State.

Mr. McKELLAR. Under what provision of the Constitution do you organize them?

Mr. WADSWORTH. We organize them under that provision of the Constitution which authorizes Congress to raise and support armies.

Mr. McKELLAR. If that is done, they are a part of the Regular Army, and not a part of the National Guard, and the term "National Guard" is a misnomer.

I was not here when the Senator argued the provision. I recall that four years ago—June 3, 1916—when the National Guard act which is now in force was passed, the question of how far the United States could go in assuming control over the National Guard was investigated very thoroughly, and the provisions we put in the act at that time were passed upon by the Department of Justice, as I recall, and the Attorney General held that they were constitutional. The provision of the Constitution to raise and support armies, in my judgment, does not provide for the establishment of a National Guard to be under the control of the States. I do not think that authority is broad enough to give to the governor of a State or the State authorities control over the National Guard, even if the United States wanted to give them control, because it is not provided for, and under well-established rules of interpretation of our Constitution there must be authority for the passage of a law before that law is constitutional under the Constitution of the United States. I have very grave doubts about this question. I do not believe that it can be maintained. If it is purely a United States force, I do not think the United States has any authority to give it to any other sovereignty or quasi sovereignty. That is my judgment.

Mr. WADSWORTH. The committee has consulted the very best legal authority on this question. Every lawyer of repute with whom we have consulted says that there is no doubt that we are well within the meaning of the Constitution. I do not know whether I am authorized to quote him, because he has made no official announcement about it, but when I discussed with Gen.

Crowder the question of the use of a portion of the Army of the United States as State troops, he said there was no doubt whatsoever that the Federal Government could assign any portion of its Army for any kind of duty at any time.

Under the Army clause of the Constitution the Federal Government can raise and support any kind of army it wants. It can say, if it wants to, that no one shall be in it unless he has red hair; that no officer in it shall be over 25 years of age; that no portion of it shall serve beyond a certain geographical area. It can say that a certain portion of it shall do one kind of duty and another portion of it shall do another kind of duty. There is no limitation whatsoever as to the use of the Army of the United States. Congress can prescribe any rule and raise any kind of an army. Under the Army clause of the Constitution, Congress can say, "Here is the Army of the United States, and we will divide it up into three different categories and assign to each class a different military mission. First, we will have a permanent personnel or the so-called Regulars, and we will keep them on duty 365 days in the year and pay them. They shall be liable to any kind of service in time of peace or in time of war." Then the Congress can say, "Here is another class or subdivision of the Army of the United States, and these men shall be part-time soldiers. They shall not do military service in time of peace except a certain number of drills, we will say, per year. They shall not be subject to service except under certain conditions, like a declaration of war by Congress." Then Congress can go further and say, "Here is our third group of the Army of the United States. Of that group we will permit the officers and men, according to rules laid down by us, the Congress, to serve the States in a certain way under certain conditions at certain times when the Federal Government does not need them."

It is clearly within the power of Congress, under the power to raise and support armies, to assign any kind of mission to the soldiers of that army, to divide it into groups and say this part of the Army shall serve only in Alaska, that part of the Army shall serve only in Panama, this other part of the Army shall serve only in the State of New York, and to make any rules it wants.

Under the bill we organize one Army for the United States. We divide it into two classes, first, of permanent or professional soldiers; and, second, of reserve or citizen soldiers. The permanent soldiers are full-time soldiers; the citizen soldiers are part-time soldiers. Then we can further subdivide the citizen soldiers into classes, if we want to, and say one shall be the organized reserves, and they shall be subject only to duty in time of war. The second subdivision shall be the National Guard of the United States. They shall be subject to duty when the Federal Government needs them in time of war or threatened war, and they shall also be subject, under certain rules and conditions, to the orders of the governor of the State in which they happen to be located or stationed. There is no limit to the authority of Congress in raising and supporting an army. They can have any kind of an army that they want.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. DIAL in the chair). Does the Senator from New York yield to the Senator from North Dakota?

Mr. WADSWORTH. Certainly.

Mr. GRONNA. I may be very obtuse, but I am still unable to understand how the Senator from New York will be able to harmonize the provisions of the bill with the Constitution, where in the latter part of section 10 of Article I it is provided that no State shall in time of peace keep troops.

Mr. WADSWORTH. "Without the consent of Congress."

Mr. GRONNA. "Without the consent of Congress." Does the Senator mean to say that by indirection, as I will call it, we are now giving that authority, or are we attempting changing the Constitution of the United States?

Mr. WADSWORTH. We are not changing the Constitution. We are following the mandate and provision of the Constitution.

Mr. GRONNA. If I understand the Senator correctly, the provisions of the bill will really do away with all militia and there will be no National Guard, but we will simply have troops within the States.

Mr. WADSWORTH. No; the States would still have authority to organize their militia, as much as they pleased. That power can not be taken away from them. They have it under the Constitution.

Mr. GRONNA. The militia, or National Guard, as I understand it, are organized by the executives in the various States and in accordance with law, based upon the Constitution, of course. If we have just one army, will that army be known as the State militia or as Federal troops?

Mr. WADSWORTH. No; the militia will not be a part of the Army under the terms of the bill, but there is nothing to prevent the organization of militia.

Mr. GRONNA. What power would the executive of a State have in the matter of the selection of the militia? The Senator concedes that we will still have members of the militia. What authority, then, has the executive of a State in the selection of the militia?

Mr. WADSWORTH. He has complete authority. We do not touch the militia in this bill. We do not attempt to disturb the right and authority of the States to organize their militia. We are dealing with the National Guard, or the former Organized Militia. We bring it under the Army clause of the Constitution, but at the same time we give the governor the right to call upon it whenever he needs it in his State, and also the exclusive right of recommending the officers.

Mr. GRONNA. In other words, there will be no National Guard; there will be just one Army, as the Senator said.

Mr. WADSWORTH. One Army for Federal purposes and the National Guards for the several States.

Mr. GRONNA. As I understand the provision of the amendment offered by the Senator from Kansas [Mr. CAPPER], it is the purpose to change the present law.

Mr. WADSWORTH. In some respects we have already changed it.

Mr. GRONNA. For instance, I have only read section 6 very hurriedly and have not had time to study it, but section 6 explains the qualifications of the men to be appointed as officers and members of the Army. I will read a part of that section. It is very short:

> Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes.

Then it goes on and describes those classes. That gives the Federal Government the power to say what the requirements shall be. It will, as a matter of fact, place the National Guard under one general rule, not only for one State but for all States. The Senator stated a moment ago that we would have 49 different rules of training, which, of course, would be true under the old order of things; but if we adopt the amendments offered by the Senator from Kansas I doubt if that would be true.

Mr. WADSWORTH. I said we would have 49 different kinds of training. I did not say 49 different kinds of standards for officers.

Mr. GRONNA. Would that apply if we adopt the amendments proposed by the Senator from Kansas?

Mr. WADSWORTH. Yes; it still applies, because the amendments of the Senator from Kansas are to strike out of this bill several sections and to substitute for those sections the provisions of existing law slightly amended. The existing law treats the National Guard in the militia status. Our bill organizes the National Guard under the Army clause of the Constitution.

The amendments of the Senator from Kansas, in so far as they change existing law, are not pertinent to the bill at all. Some of the amendments which he suggests to existing law are carried in the bill as applied to the new National Guard; for instance, the amendment for the pay of officers and men is carried in this bill. We pay the officers and men of the National Guard under the bill just as they will be paid under the national-defense act.

Mr. GRONNA. So that if we adopt some of the amendments proposed by the Senator from Kansas there would be no necessity of adopting all of them, because some of the provisions have already been taken care of.

Mr. WADSWORTH. Some of the minor provisions are already taken care of. Some of the things against which the National Guard is complaining—in the matter of pay, for example—have been taken care of in the bill, but the character of the Guard, in so far as its basic obligation is concerned, is changed by our bill as compared with the national-defense act, and its position is greatly advanced by it.

Mr. GRONNA. Is it not true that there would be a more uniform rule under the provisions of the amendment proposed by the Senator from Kansas than there is at the present time?

Mr. WADSWORTH. That is true, and there would be a still more uniform rule under our bill than at present.

Mr. GRONNA. Of course, under the Senator's bill there would be just one army; there would practically be no National Guard.

Mr. WADSWORTH. There would be a National Guard. The National Guard is merely a name given arbitrarily to the forces in existence to-day, and can be given arbitrarily to the forces proposed under the bill. Of course, the true name for it is the

"Organized Militia." But it may interest the Senator to know that so anxious are the officers and men of the Organized Militia to be known primarily as Federal citizen soldiers that the term "National Guard" was assigned to them by an act of Congress. They like the word "national." They wanted to be known as national citizen soldiers. They do not want to be known primarily as State soldiers or Organized Militiamen of the States. The thing that has stood in their way all these years and caused them a lot of handicaps and a lot of heartburnings is the fact that so long as they are militiamen they are not national soldiers in the way they like to be. We propose to cease having them as militiamen and to make them national citizen soldiers, available for the use of the States under certain conditions.

Mr. GRONNA. I thank the Senator for the information he has given me, and if he will permit me I want to say a word with reference to the indorsement of the bill or the plan proposed in the pending bill.

I do not want to say that the State which I have the honor in part to represent is opposed to the provisions with reference to the National Guard. I will say, however, that I have in my office a great many petitions and a great many resolutions adopted at various meetings throughout the States by ex-service men and by various associations of different names. I do not know how well the meeting at Minneapolis was attended. I am not here to say anything against what transpired at that meeting. I do not say that the reports which were conveyed to the chairman of the committee are not the correct ones, and I do not wish to say that they misrepresent the views of the National Guard of Minnesota or the Dakotas. But I do say that there is a divided opinion with reference to the question.

Mr. WADSWORTH. With reference to the question of the National Guard?

Mr. GRONNA. Yes. I have letters from some very prominent men, men who served in the late war, men who have been identified with and who have been officers of the National Guard for more than 30 years. I have often thought that I should present those resolutions to the Senate and ask to have them printed in the RECORD, but we all know that a streak of economy has come over the Senate all of a sudden, practically prohibiting us from having these resolutions inserted in the RECORD without reading them, and so I have refrained from presenting the resolutions, believing that the Senator from New York, who I know is very diligent and very efficient in his work, together with the other members of the Committee on Military Affairs, would adopt a plan which would be satisfactory to the officers of the National Guard.

I am not at all sure that the provisions as they now stand in the pending bill are satisfactory to the officers of the National Guard of my State or of the neighboring States, who I know are greatly interested in military work, and who, I may be pardoned for saying, I believe, are authorities. I have no particular protest, I will say to the Senator, against the proposed plan other than the petitions and resolutions passed by various organizations throughout the western country, and I have more petitions against the proposed plan of the Senator than I have for it.

Mr. WADSWORTH. Against the National Guard plan?

Mr. GRONNA. Yes; against the National Guard plan.

Mr. WADSWORTH. I will guarantee that they never read the bill. I know where they got their ideas. They got them from the adjutant general, who passes the word that there is a bill of this kind pending in Congress to kill the National Guard. Some guard officers have come to me in my office, may I state to the Senator, and asked, "Is it true that the National Guard is going to be put out of existence by the committee bill?" I have asked, "Who told you it is going to be put out of existence?" "Well, the word has gone out from the adjutant general of our State that that is the case." When you sit down with such a man and show him the provision of the bill, he will say, "That is the very thing we want." Many of them would like to get away from some of the adjutant generals—not from all, for there are some good ones.

Mr. GRONNA. Mr. President, I am old-fashioned enough to believe that the States ought to have some authority in this matter.

Mr. WADSWORTH. We give it to them in this bill.

Mr. GRONNA. I believe that the National Guard has in the past been a great factor for good. I realize, although I know very little about military affairs, that there is need for improvement with reference to the National Guard; but there is a radical change wrought by the provisions of the pending bill, and I am unable to believe that the National Guard—the militia, we will call it—will function in the future as it has in the past even under the laws which we have now, imperfect as they may be.

Mr. WADSWORTH. Of course, I think that they will function a great deal better. I should like to read to the Senator——

Mr. McKELLAR. Mr. President——

Mr. WADSWORTH. I think I have the floor.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. McKELLAR. Will the Senator from New York yield for a question?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. WADSWORTH. Yes.

Mr. McKELLAR. The Senator from New York spoke of the adjutant generals of the States. Does not this bill take care of the adjutant generals of the several States?

Mr. WADSWORTH. Yes; under certain circumstances.

Mr. McKELLAR. Does it not make them brigadier generals in the reserve force?

Mr. WADSWORTH. In the discretion of the President, for certain purposes having to do with registration.

Mr. McKELLAR. Yes.

Mr. WADSWORTH. But they would not command the guard; and that is a power which some of them do not like to lose.

Mr. CAPPER. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Kansas.

Mr. CAPPER. I wish to say—and I say it without the slightest hesitation—that, so far as Kansas is concerned, the adjutant general of that State undoubtedly speaks for the entire National Guard of the State. Kansas had a very strong National Guard organization when we entered the war; I think we had one of the most efficient brigades to be found in the entire country, and that was due to the very fine work of the adjutant general, Gen. Martin, who is now the president of the Adjutant Generals' Association of the country. He tells me that he voices the wishes of the entire National Guard of our section of the country. I know he speaks for the National Guard of Oklahoma, because the adjutant general of that State was here the other day, and he gave me the same assurance, as did also the adjutant general of the State of Missouri.

Mr. WADSWORTH. Mr. President, I do not mean to cast any reflection upon the adjutant general of Kansas, but I have seen a letter from the adjutant general of Kansas—it is true it was some time since—in which that officer attempted to describe the pending bill, and he had an absolute misconception of the whole measure. He criticized it for omissions; and the Senator from Kansas himself will probably remember that when I was shown the criticism of the bill prepared by the adjutant general of Kansas I myself wired him, pointing out specific provisions in the bill providing for the very things which he had said the bill omits.

The adjutant general of a State can go out and tell all the guardsmen of the State that such and such a thing is not in the bill, that the Senate committee bill omits to do a certain thing which is important or that the Senate committee bill inflicts something upon the guard which would be very unfortunate, but before I can have confidence in the opinion of National Guard officers on this question I want to know if they have been told the whole story, and I have yet to meet a guard officer who has been told the whole story who is not enthusiastic for the bill. I know that in many instances those officers have not been told the whole story; that they have never been shown a copy of the bill; that only half the story has been told them.

There is, however, one group of guard officers who have had this story told them, and that is the National Guard Association of the State of New York. That is the biggest and most powerful association of its kind in the United States, just as the National Guard of the State of New York is the largest National Guard.

Mr. GRONNA. Mr. President, will the Senator from New York suffer one more interruption?

Mr. WADSWORTH. I should like to read first what the New York National Guard Association say.

Mr. GRONNA. Very well.

Mr. WADSWORTH. They held an annual meeting at Albany, N. Y., about a month ago, at which there were over 400 officers present, all of whom were national guardsmen. A great number of them were veterans of the recent war who went abroad with their troops. They discussed this bill, they discussed the treatment of the National Guard as proposed in the bill, and they prepared a statement in the form of a resolution. They indorsed our provision from beginning to end. It may interest the Senator from North Dakota to hear why they are for the bill. They say:

The National Guard Association of the State of New York, assembled in convention in the city of Albany this 20th day of March, 1920, having considered at length the problems affecting the reorganization of

the National Guard of the United States, believes and declares, its conviction to be that the National Guard as a national body of citizen soldiery can not be organized under the militia provisions of the Federal Constitution so as to perform adequately and constitutionally the national functions which should be performed by the citizen soldiery of the Nation, and therefore urges upon the Congress that it provide for the reorganization of the National Guard under the Army clause of the Constitution, providing in connection therewith a subordinate State status sufficient to meet the military needs of the States.

The National Guard Association has been moved to adopt this recommendation because the recent history of the country shows that the national emergencies which have required the use of troops in excess of the Regular Army have not been among those prescribed by the Constitution as occasions when the militia may be called for and used by the President. Because, further, it is apparent that the future will present similar occasions when the President in need of troops to meet a national emergency can not, under the Constitution, employ any force of citizen soldiery which suffers the limitations imposed by the militia status.

The National Guard Association of the State of New York concurs in the recommendation of the National Guard Association of the United States that the future efficiency of the National Guard demands that it have its own representation overhead in Washington as a part of the War Department, and believes that such overhead can not constitutionally be appointed by the President nor constitutionally be given authority and jurisdiction to perform their functions in time of peace if the National Guard is continued under the militia provisions of the Constitution which deny the President the authority to appoint officers of the militia in time of peace—

The very thing the guard wants can not be done adequately so long as they are militiamen—

The National Guard Association invites the attention of the Congress to the fact that in the Spanish War the National Guard could not constitutionally be employed as such because of its militia status, and so it became necessary to create a volunteer army and, although the National Guard constituted the mass of such army, they were compelled to enter it as individuals, and the esprit and morale of their units were dissipated in the process of reorganization.

That when the Philippine insurrection necessitated the use of troops in excess of the Regular Army so obvious was it that the National Guard could not be employed as such by reason of their militia status that the War Department was compelled to organize regiments of United States Volunteers to meet that emergency.

That upon the occasion of the Mexican border disturbances, although the Federal Government employed the National Guard as such for the purpose of repelling invasion, nevertheless, even for such purpose, the experience conclusively showed the confusion and delay inseparable from the transfer of men, property, and organization from a State status to an active Federal status, and that in any event before the National Guard could have been employed for the purpose of entering Mexico its officers and men would have had to be drafted as individuals so as to be relieved of their militia status.

I will interject here, Mr. President, that the Congress incorporated such a provision in the national-defense act of June 3, 1916, two weeks before the guard went to the border—a provision authorizing the President to draft them as individuals into the Army of the United States. That constituted an admission on the part of Congress that so long as the guard was in the militia status it suffered that handicap. That provision was put in with the full consent of the guardsmen, who wanted to be eligible to be officers and soldiers of the National Army, the Army of the United States.

That the experience of the World War showed that the National Guard could not be employed therein as a national force until its officers and men were divested of the militia status by being drafted into the Federal Army and discharged from the militia, and that process resulted in delay, confusion, and the impairment of the efficiency of units at a time when their efficiency should have been at the best.

That the termination of the Federal service of the National Guard in the World War necessitated the absolute discharge without any military status and this at a time when its units were at the zenith of their efficiency and esprit as a result of their magnificent battle service abroad.

That in the opinion of the National Guard Association of New York a repetition of this experience in the future can not be prevented by recourse to an amendment of the national defense act—

The very amendment offered by the Senator from Kansas—

providing for a reinvestment of the militia status immediately upon discharge from the Army for the reason that a voluntary militia status from which men have been released by discharge can not constitutionally be recreated and arbitrarily imposed by statute upon men without their consent and voluntary action given anew.

That only by reorganizing the National Guard under the Army clause of the Constitution can Congress invest in the Federal Government in time of peace the power to train the National Guard, which is essential if the National Guard is to be something more than an aggregation of State forces and is to assume the rôle of a national body of citizen soldiery.

National Guard officers drew that document. They want to be members of a national body of citizen soldiery. They are perfectly willing to serve their States as State troops whenever the governor calls upon them, but they want to be made national soldiers; they want to have representation in the General Staff here in Washington and in the National Guard Bureau of the War Department. And they know that they can not secure adequate representation on the General Staff or in the War Department unless they can stand upon an equal plane with the Regular officer. So long as they are militia officers they can exercise no authority; the best they can hope to do is to do something in the name of somebody else who has authority. The committee bill provides that they shall have their representation in the overhead at Washington. We are enabled to give it to them because we make them, primarily, officers of the Army of the United States, national soldiers, and, secondarily, officers of the State troops. Until you do this for the guard, upon the outbreak of every difficulty and trouble, upon the outbreak of war or the threat of war it will go through the same experiences it has gone through in the last three instances. Its units will be torn to pieces, the esprit of those old regiments will be dissipated and destroyed and lost, its men scattered, many of its officers rejected and sent back home, and when the Federal Government releases them from the Federal service they will find themselves in the condition in which they found themselves when they were released from this last war—thrown out on the world, belonging to nothing, all their military connections severed; they were not even members of the militia.

Our committee has studied this thing for months. We have consulted with every guard officer we could get hold of. We have consulted with the best lawyers we can find, from the Judge Advocate General's Department, in the War Department, to adjutant generals of the States; and many of the guard officers themselves are lawyers. The Secretary of War says this is the best solution of this problem ever proposed. He said it before the committee when the bill had been finished. Let me just say to the Senator from North Dakota that this meeting in New York of the New York Association of National Guard officers was attended by approximately 400 officers, and when they put this thing to a vote there were only three officers against it.

Mr. GRONNA. But, Mr. President, regardless of whether the bill proposed by the committee is enacted into law or whether the amendment of the Senator from Kansas [Mr. CAPPER] is adopted, there necessarily will have to be rules and regulations promulgated by the War Department here in Washington, and some of the men in the States will have to carry out those orders.

Mr. WADSWORTH. They do now. That is the trouble; they do now; but the National Guard to-day has no representation at Washington, and it never can get adequate representation so long as the National Guard officer is a militiaman. That has been the complaint of the guard. The complaint of the guard has been that the rules and regulations governing the guard are not drawn with the help of guard officers. They are drawn by the General Staff in the first instance, and are passed up through the committees of the General Staff to the Chief of Staff, and thence to the Secretary of War. No citizen soldier has been consulted in that process; and in some instances the General Staff officers, not being acquainted with the peculiar problems of the National Guard, make mistakes in those regulations, and impose impossible things upon the guard. When the regulations reach the Secretary of War, and meet his approval, he hands them over to the chief of the Militia Division, and he is a Regular officer, and he promulgates the regulations through all the States. Now, we propose to have National Guard officers on the General Staff, and a National Guard officer at the head of the National Guard Bureau.

Mr. GRONNA. I fully agree with the Senator from New York that there were a good many disappointments among officers of the National Guard and of the militia during the late war, and for the reasons which the Senator has so well stated; but there is another phase to be considered with reference to this question. We have been talking simply about the officers. I wanted the Senator's opinion as to the possibility and the probability of the men who are not officers entering the National Guard under these new conditions. The Senator, of course, knows that the compulsory training provision has been stricken from the bill, and we now have a voluntary provision in place of it. The National Guard has been a very popular institution with the young men of the States. They have always desired to belong to the National Guard or to the militia. In the judgment of the Senator, will that same sentiment prevail when it is known that they belong to the Regular Army?

Mr. WADSWORTH. They will not belong to the Regular Army.

Mr. GRONNA. Well, it is in fact belonging to the Regular Army.

Mr. WADSWORTH. No, Mr. President; they will not.

Mr. GRONNA. They will be at the command of the Chief Executive of the Nation at any time if the bill which is before us now is enacted into law.

Mr. WADSWORTH. Mr. President, they are not at the command at any time of the Chief Executive of the Nation—only for specific purposes; and they are in that situation to-day, only they are called out as militiamen by the President.

Mr. GRONNA. Then why not continue the plan, and simply improve upon it, making universal regulations to be followed by all the officers of the National Guards throughout all the States?

Mr. WADSWORTH. But, Mr. President, the trouble is that you can make regulations uniform and universal all you want, but the guardsman can not take part in making up those regulations until you give him the requisite status which will enable him to sit down with authority with the Regular officers.

Mr. GRONNA. Let me see if the Senator and I can agree on one thing. These men who go into the Army will be recognized as troops if this bill is passed, will they not? In all respects they will be recognized as troops?

Mr. WADSWORTH. As part of the reserve Army of the United States, yes—as soldiers, not as troops.

Mr. GRONNA. Does the Senator believe that the institution will be as popular among the young men throughout the various States as the National Guard has been?

Mr. WADSWORTH. Yes, sir; more so.

Mr. GRONNA. Of course, if the Senator believes that, and that under our scheme of voluntary training there will be no difficulty in getting all the young men we want to enter the service, the Senator knows so much more about military affairs than I do that I certainly shall not set up my judgment against his. I was of the opinion that from the very fact that from now on every soldier, regardless of whether he is an officer or what we call an enlisted man, will belong to the national troops, it might not be as popular, he might not take to it as well as he would if it were a State institution affiliated with the Regular Army, he might not be as willing to enter the service, because, as the Senator has explained, the militia for certain specific purposes can be recognized and ordered as a body doing national work. I fear, Mr. President, that from the very fact that the men will know that they are regarded as Federal troops, that in times of peace as well as in times of war from now on we will have stationed within the borders of every State in the Union troops of the Regular Army, the service may not be as popular as it has been in the past.

Mr. WADSWORTH. If that were true, Mr. President, I would tear up this bill and throw it out of the window. It does not do that thing at all, however. The obligation of the soldier of the National Guard of the United States, as provided for in this bill, is in the aggregate exactly what a militiaman's obligation is to-day; but he performs that obligation upon a different status; that is all.

Mr. GRONNA. But the Senator wants to be fair. The Senator has just stated that this bill, in compliance with the Constitution, permits troops in times of peace within each and every State. The Senator has just made that statement.

Mr. WADSWORTH. Yes; but if the Senator will examine the bill, he will find that the obligations imposed upon the National Guard of the United States are limited. They can not be called out at any time by the President for any purpose. They can only be called out to suppress insurrection and to repel invasion; and when war is declared by Congress they can then be called out for any purpose. Surely there is nothing objectionable in that.

The Senator has stated that they are to be a part of the Regulars. They will not be a part of the Regulars. The Regular is a man who is a soldier 365 days in the year, who lives in barracks, or who is patrolling the border, or in the Philippines, or in Panama. These guardsmen are to live the life of civilians, just as the present National Guardsman does. The term of enlistment is exactly the same as that of the present National Guard. The number per congressional district is exactly the same as under existing law. The drill pay is exactly the same as is provided by the House bill. Everything is exactly the same, except that his primary obligation is that of a Federal soldier, and his secondary obligation is that of a State soldier. To-day it is the other way around. It makes no difference to the enlisted man which oath he takes first if his obligations are the same and if his term of enlistment is the same. The kind of duty he has to perform is the same. The officers over him are the same. There is no difference whatsoever; but by changing the status we have given these officers and enlisted men an opportunity to take part in the management of their own affairs here at Washington, and until you give them that new status they never can have it.

That is what they want. They believe they have been discriminated against. They believe they have been exploited. They believe they have been ignored by certain Regular Army officers. If that is true, it is because the regulations drawn here in Washington governing the guard itself in its present status are drawn without consulting guard officers.

We propose to put the guard on its feet and to preserve it to the use of the States. It will not change the numbers of the regiments. It will not change their locality. It will not change their general composition. The Sixty-ninth New York will still be the Sixty-ninth New York, and whatever is the famous organization in North Dakota will remain the same organization, with the same men, the same officers; no change at all from any of the things which from the practical side affect the feeling of the soldier or the feeling of the locality. The National Guard of the United States will not be stationed among the States in the way that the Senator suggested a moment ago. It will be composed of the citizens of the States, just as it is to-day. We make no change.

Mr. GRONNA. They will belong to the Regular Army, however.

Mr. WADSWORTH. No; they will not belong to the Regular Army. They will be subject to none of the obligations of the Regular Army. They can not be commanded by the Regular Army. The terms of this bill provide that no Regular officer can be placed in command of National Guard troops without the consent of the governor of the State. We have protected them from the Regular Army. If they have been subject to abuse and exploitation in the past, we have protected them for the future.

Mr. GRONNA. So that in reality the only officer who will be shorn of his power will be the adjutant general of the State?

Mr. WADSWORTH. The only officers in the whole military scheme of America that lose anything by this change in the status of the National Guard are the adjutants general of the States. The guard officers acquire increased power. They are enabled by this bill to get representation at Washington, and the Federal Government can not send a Regular to your State and put him in command of one of your National Guard units under the terms of this bill unless the governor of North Dakota gives his consent.

Mr. CHAMBERLAIN. They can do that now.

Mr. WADSWORTH. With the consent of the governor. The President, under this bill, can not name the officers of the National Guard in the State of Mississippi unless the governor of Mississippi recommends those officers to the President. So we are not "regularizing" the National Guard. We are putting it on a sound basis, where it will become an even more valuable part of the national defense, and at the same time we protect the States in their needs for police protection at home.

Mr. CAPPER. Mr. President, I ask for the reading of the amendments offered by me.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will read the amendments.

The READING CLERK. Strike out sections 58 to 64 and 66 to 73, both inclusive, as amended, and section 7 as amended. Also in section 2, line 8, the words "The National Guard of the United States," and insert in lieu thereof the following:

SEC. 2. Until July 1, 1921, companies and corresponding units of the National Guard may be recognized at a minimum enlisted strength of 50 and thereafter the minimum enlisted strength necessary for the recognition of a company of infantry shall be sixty-five: *Provided*, That the National Guard of any State, Territory, and the District of Columbia may include such detachments or parts of units as may be necessary in order to form complete tactical units when combined with troops of other States.

SEC. 3. Original enlistments in the National Guard shall be for a period of three years and subsequent enlistments for periods of one year each: *Provided*, That persons who have served in the Army for not less than six months, and have been honorably discharged therefrom, may, within two years after the passage of this act, enlist in the National Guard for a period of one year and reenlist for like periods.

SEC. 4. Men enlisting in the National Guard of the several States, Territories, and the District of Columbia shall sign an enlistment contract and subscribe to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard of the United States and of the State of ———, for the period of three (or one) year–, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War."

SEC. 5. Discharge of enlisted men from the National Guard: An enlisted man discharged from service in the National Guard, except when drafted into the military service of the United States under the provisions of section 111 of this act, shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as the President may prescribe.

SEC. 6. Qualifications for National Guard officers: Persons hereafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office prescribed in the preceding section of this act: Officers or enlisted men of the National Guard; officers, active or retired, reserve officers, and former officers of the Army, Navy, or Marine Corps, enlisted men and former enlisted men of the Army, Navy, or Marine Corps who have received an honorable discharge therefrom; graduates of the United States Military and Naval Acad-

emies; and graduates of schools, colleges, universities, and officers' training camps, where they have received military instruction under the supervision of an officer of the Regular Army who certifies their fitness for appointment as commissioned officers; and for the technical branches or Staff Corps and departments, such other civilians as may be specially qualified for duty therein.

SEC. 7. That hereafter men duly qualified under regulations prescribed by the Secretary of War may enlist in the National Guard Reserve for a period of one or three years, under such regulations as the Secretary of War shall prescribe, and on so enlisting they shall subscribe to the following enlistment contract and take the oath therein specified: "I do hereby acknowledge to have voluntarily enlisted this ——— day of ———, 19—, as a soldier in the National Guard Reserve of the United States and of the State of ———, for the period of one (or three) year—, unless sooner discharged by proper authority, and I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of ———, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the governor of the State of ———, and of the officers appointed over me according to law and the rules and Articles of War": *Provided*, That members of said reserve, officers and enlisted men, when engaged in field or coast-defense training with the active National Guard, shall receive the same Federal pay and allowances as those occupying like grades on the active list of said guard when likewise engaged: *Provided further*, That, except as otherwise specifically provided in this act, no commissioned or enlisted reservist shall receive any pay or allowances out of any appropriation made by Congress for National Guard purposes.

SEC. 8. All vacancies occurring in any grade of commissioned officers in any organization in the military service of the United States and composed of persons drafted from the National Guard under the provision of this act shall be filled by the President by the appointment of persons similarly taken from said guard, and in the manner prescribed by law for filling similar vacancies occurring in the volunteer forces.

SEC. 9. The National Guard Division of the War Department is hereby established. Such division shall be under the direct supervision of the Secretary of War and shall not form a part of any other division, bureau, office, or other organization of the War Department. The chief of the same shall report direct to the Secretary of War and shall be responsible only to the Secretary of War. The National Guard Division shall consist of one Chief of the National Guard Division and such officers and enlisted men of the Regular Army and the National Guard as the President may direct. The Chief of the National Guard Division shall be appointed by the President, by and with the advice and consent of the Senate, from among officers of the National Guard who have had 10 or more years' commissioned service in the National Guard, at least 5 of which has been in the line. He shall hold office for 4 years unless sooner removed and shall have the rank, pay, and allowances of a major general of the Regular Army during his tenure of office, but shall not be entitled to retirement or retired pay. Details of officers to the National Guard Division by the President shall be upon the recommendation of the Chief of the Militia Bureau. One-half of the officers detailed to the National Guard Division shall be selected from the officers of the National Guard who have served therein for not less than 1 year subsequent to June 3, 1916. No retired officer and no officer with a rank exceeding that of colonel shall be detailed to the National Guard Division. National Guard officers detailed under this section shall be entitled to the pay and allowances of officers of the Regular Army of like grade and service. The National Guard Division under the supervision of the Secretary of War shall have charge and supervision of all National Guard affairs. The chief of such division shall have charge of the organization, supply, and instruction of the National Guard of the several States, and shall submit estimates for the necessary appropriations to provide for the equipment and maintenance of the same.

The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers of the National Guard to duty with the Regular Army, in addition to those attending service schools; and while so assigned they shall receive the same pay and allowances as Regular Army officers of like grades, to be paid out of the whole fund appropriated for the support of the militia.

SEC. 10. Animals for National Guard: Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase, under such regulations as the Secretary of War may prescribe, of animals conforming to the Regular Army standards for the training of the National Guard, said animals to remain the property of the United States and to be used solely for military purposes.

The number of animals so issued shall not exceed 32 for each battery of Field Artillery or troop of Cavalry, and a proportionate number for other mounted organizations, under such regulations as the Secretary of War may prescribe; and the Secretary of War is further authorized to issue, in lieu of purchase, for the training of such organizations, condemned Army animals which are no longer fit for service, but which may be suitable for the purposes of instruction, such animals to be sold as now provided by law when said purposes shall have been served.

SEC. 11. Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for the compensation of competent help for the care of the material, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each organization, shall be duly enlisted therein and shall be detailed by the organization commander, under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia.

SEC. 12. Pay for National Guard officers: Captains and lieutenants belonging to organizations of the National Guard shall receive compensation at the rate of one-thirtieth of the monthly base pay of their grades as prescribed for the Regular Army for each regular drill or other period of instruction authorized by the Secretary of War, not exceeding five in any one calendar month, at which they shall have been officially present for the entire required period, and at which at least 50 per cent of the commissioned strength and 60 per cent of the enlisted strength attend and participate for not less than one and one-half hours. Captains commanding organizations shall receive $240 a year in addition to any other pay herein prescribed. Officers above the grade of captain shall receive $500 a year, and officers below the grade of major, not belonging to organizations, shall receive four-thirtieths of the monthly base pay of their grades for satisfactory performance of their appropriate duties under such regulations as the Secretary of War may prescribe. Drill pay under the provisions of this section shall not accrue to any officer during a period when he shall be lawfully entitled to the same pay as an officer of corresponding grade in the Regular Army: *Provided*, That section 9 of an act amending the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the National Guard and National Guard Reserve, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe.

SEC. 13. Pay for National Guard enlisted men: Each enlisted man belonging to an organization of the National Guard shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than 1½ hours, not exceeding 8 in any one calendar month, and not exceeding 60 drills in 1 year: *Provided*, That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per cent of the drills or other exercises prescribed for his organization: *Provided further*, That the proviso contained in section 92 of this act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: *And provided further*, That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War. Payments for services rendered under sections 109 and 110 shall be made during the month following that in which such compensation was earned, upon pay rolls prepared and authenticated in the manner prescribed by the Secretary of War. All amounts appropriated for the purpose of the two preceding sections shall be disbursed and accounted for by the officers and agents of the Quartermaster Corps of the Army or by the State property and disbursing officer, as the Secretary of War may direct. The Secretary of War may, in his discretion, cause to be deposited such sum as may be necessary to pay the troops of a State, Territory, or District under this section with the State property and disbursing officer, who shall disburse and account for the same under regulations to be prescribed by the Secretary of War. Stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost, damaged, or destroyed by and chargeable to such officer or enlisted man.

SEC. 14. National Guard when drafted into Federal service: When Congress shall have authorized the use of armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may, under such regulations, including such physical examination, as he may prescribe, draft into the military service of the United States, to serve therein for the period of the war or emergency, unless sooner discharged, any or all members of the National Guard and of the National Guard Reserve. The status of all persons so drafted shall be changed automatically on the date such draft takes effect from service under the dual oath to an exclusive United States service. On the termination of the emergency all former National Guard officers and men shall be relieved from service under the draft, and upon being relieved shall revert automatically to their previous National Guard status, and shall be credited on their National Guard service for all time served in the Army of the United States. They shall from said date of draft be subject to such laws and regulations for the government of the Army of the United States as may be applicable to members of the Army, and shall be organized into units corresponding as far as practicable to those of the Regular Army or shall be otherwise assigned as the President may direct. The commissioned officers of said organizations shall be appointed from among the members thereof; officers with rank not above that of colonel to be appointed by the President alone, and all other officers to be appointed by the President by and with the advice and consent of the Senate. Officers and enlisted men while in the service of the United States under the terms of this section shall have the same pay and allowances as officers and enlisted men of the Regular Army of the same grades and the same prior service: *Provided, however*, That when any member of the National Guard becomes entitled, for a continuous period of less than one month, to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuvers, or of any other cause, he shall receive such pay for each day of such period, and the thirty-first day of a calendar month shall not be excluded from the computation.

SEC. 15. That section 89 be amended by striking out the figures 57, 58, and 59, in line 18, and all of lines 19, 20, 21, and 22.

Mr. CAPPER. I ask for the adoption of the amendments just read.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Kansas.

The amendments were rejected.

Mr. CHAMBERLAIN. Mr. President, I desire to offer as an amendment to the bill what was originally known as Senate bill 64.

Mr. CHAMBERLAIN's amendment was, on page 101 of the bill, after line 3, to insert:

CHAPTER II.

Articles of War.

SEC. 1. The articles included in this section shall be known as the Articles of War, and shall at all times and in all places govern the armies of the United States.

I. PRELIMINARY PROVISIONS.

ART. 1. Definitions: The following words when used in these articles shall be construed in the sense indicated in this article, unless the context shows that a different sense is intended, namely:

(a) The word "officer" shall be construed to refer to a commissioned officer;

(b) The word "soldier" shall be construed as including a noncommissioned officer, a private, or any enlisted man;
(c) The word "company" shall be understood as including a troop or battery; and
(d) The word "battalion" shall be understood as including a squadron.

ART. 2. Persons subject to military law: The following persons are subject to these articles and shall be understood as included in the term "any person subject to military law," or "persons subject to military law," whenever used in these articles: *Provided*, That nothing contained in this act, except as specifically provided in article 2, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction unless otherwise specifically provided by law.
(a) All officers and soldiers belonging to the Regular Army of the United States: All volunteers, from the dates of their muster or acceptance into the military service of the United States; and all other persons lawfully called, drafted, or ordered into, or to duty or for training in, the said service, from the dates they are required by the terms of the call, draft, or order to obey the same;
(b) Cadets;
(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps, when so detached, may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;
(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;
(e) All persons under sentence adjudged by courts-martial;
(f) All persons admitted into the Regular Army Soldiers' Home at Washington, D. C.

II. COURTS-MARTIAL.

ART. 3. Courts-martial classified: Courts-martial shall be of three kinds, namely:
First, general courts-martial;
Second, special courts-martial; and
Third, summary courts-martial.

A. COMPOSITION.

ART. 4. Who may serve on courts-martial: All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial. When appointing courts-martial the appointing authority shall detail as members thereof those officers of the command who, in his opinion, are best qualified for the duty by reason of age, training, experience, and judicial temperament; and officers having less than two years' service shall not, if it can be avoided without manifest injury to the service, be appointed as members of courts-martial in excess of the minority membership thereof.

ART. 5. General courts-martial: General courts-martial may consist of any number of officers not less than five.

ART. 6. Special courts-martial: Special courts-martial may consist of any number of officers not less than three.

ART. 7. Summary courts-martial: A summary court-martial shall consist of one officer.

B. BY WHOM APPOINTED.

ART. 8. General courts-martial: The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The authority appointing a general court-martial shall detail as one of the members thereof a law member, who shall be an officer of the Judge Advocate General's Department, except that when an officer of that department is not available for the purpose the appointing authority shall detail instead an officer of some other branch of the service selected by the appointing authority as specially qualified to perform the duties of law member. The law member, in addition to his duties as a member, shall perform such other duties as the President may by regulations prescribe.

ART. 9. Special courts-martial: The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

ART. 10. Summary courts-martial: The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

ART. 11. Appointment of trial judge advocates and counsel: For each general or special court-martial the authority appointing the court shall appoint a trial judge advocate and defense counsel, and for each general court-martial one or more assistant trial judge advocates and one or more assistant defense counsel when necessary: *Provided, however*, That no officer who has acted as a member, trial judge advocate, assistant trial judge advocate, defense counsel, or assistant defense counsel in any case shall subsequently act as staff judge advocate to the reviewing or confirming authority upon the same case.

C. JURISDICTION.

ART. 12. General courts-martial: General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles, and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy: *Provided further*, That the officer competent to appoint a general court-martial for the trial of any particular case may, when in his judgment the interest of the service shall so require, cause any case to be tried by a special court-martial notwithstanding the limitations upon the jurisdiction of the special court-martial as to offenses set out in article 13; but the limitations upon jurisdiction as to persons and upon punishing power set out in said article shall be observed.

ART. 13. Special courts-martial: Special courts-martial shall have power to try any person subject to military law for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall not have power to adjudge confinement in excess of six months, nor to adjudge forfeiture of more than two-thirds pay per month for a period of not exceeding six months.

ART. 14. Summary courts-martial: Summary courts-martial shall have power to try any person subject to military law, except an officer, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may, by regulations, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

Summary courts shall have power to adjudge one or more of the following punishments: Confinement for not more than one month, restriction to limits for not more than three months, forfeiture or detention of two-thirds of one month's pay, and reduction in grade of noncommissioned officers and privates of the line of the Army: *Provided*, That the President may, by regulations which he may modify from time to time, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

ART. 15. Jurisdiction not exclusive. The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by statute or by the law of war may be triable by such military commissions, provost courts, or other military tribunals.

ART. 16. Officers—how triable: Officers shall be triable only by general and special courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank.

D. PROCEDURE.

ART. 17. Trial judge advocate to prosecute—counsel to defend: The trial judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall have the right to be represented in his defense before the court by counsel of his own selection, civil counsel if he so provides, or military if such counsel be reasonably available, otherwise by the defense counsel duly appointed for the court pursuant to article 11. Should the accused have counsel for his own selection, the defense counsel and assistant defense counsel, if any, of the court, shall, if the accused so desires, act as his associate counsel.

ART. 18. Challenges: Members of a general or special court-martial may be challenged by the accused or judge advocate for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time. Challenges by the judge advocate shall ordinarily be presented and decided before those by the accused are offered. Each side shall be entitled to one peremptory challenge.

ART. 19. Oaths: The trial judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: "You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority or duly announced by the court, except to the trial judge advocate and assistant trial judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial upon a challenge or upon the findings or sentence, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God."

When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the trial judge advocate and to each assistant trial judge advocate, if any, an oath or affirmation in the following form: "You, A. B., do swear (or affirm) that you will faithfully and impartially perform the duties of a trial judge advocate, and will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed. So help you God."

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: "You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

In the case of affirmation the closing sentence of adjuration will be omitted.

ART. 20. Continuances: A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

ART. 21. Refusal or failure to plead: When an accused arraigned before a court-martial fails or refuses to plead or answers foreign to the purpose, or after a plea of guilty makes a statement inconsistent with the plea, or makes a plea of guilty improvidently or through lack of understanding of its meaning and effect, the court shall enter a plea of not guilty and shall thereupon proceed accordingly.

ART. 22. Process to obtain witnesses: Every trial judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions.

ART. 23. Refusal to appear or testify: Every person not subject to military law who, being duly subpœnaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses.

ART. 24. Compulsory self-incrimination prohibited: No witness before a military court, commission, court of inquiry, or board, or before any officer conducting an investigation, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, or before an officer conducting an investigation, shall be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him, or to answer any question not material to the issue when such answer might tend to degrade him.

ART. 25. Depositions—when admissible: A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or District in which the court, commission, or board is ordered to sit, or beyond the distance of 100 miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases.

ART. 26. Depositions—before whom taken: Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

ART. 27. Courts of inquiry—records of, when admissible: The record of the proceedings of a court of inquiry may, with the consent of the defendant, be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

ART. 28. Certain acts to constitute desertion: Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

Any soldier who, without having first received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

Any person subject to military law who quits his organization or place of duty with the intent to avoid hazardous duty or to shirk important service shall be deemed a deserter.

ART. 29. Court to announce action: Whenever the court has acquitted the accused upon all specifications and charges, the court shall at once announce such result in open court. Under such regulations as the President may prescribe, the findings and sentence in other cases may be similarly announced.

ART. 30. Closed sessions: Whenever a general or special court-martial shall sit in closed session, the trial judge advocate and the assistant trial judge advocate, if any, shall withdraw; and when their legal advice or their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel, if there be any.

ART. 31. Method of voting: Voting by members of a general or special court-martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes, which count shall be checked by the president, who will forthwith announce the result of the ballot to the members of the court. The law member of the court, if any, or if there be no law member of the court, then the president, may rule in open court upon interlocutory questions, other than challenges, arising during the proceedings.

ART. 32. Contempts: A military tribunal may punish as for contempt any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder: *Provided*, That such punishment shall in no case exceed one month's confinement or a fine of $100, or both.

ART. 33. Records—general courts-martial: Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signatures of the president and the trial judge advocate; but in case the record can not be authenticated by the president and trial judge advocate, by reason of the death, disability, or absence of either or both of them, it shall be signed by a member in lieu of the president and by an assistant trial judge advocate, if there be one, in lieu of the trial judge advocate; otherwise by another member of the court.

ART. 34. Records—special and summary courts-martial: Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the President may from time to time prescribe.

ART. 35. Disposition of records—general courts-martial: The judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been finally acted upon, be transmitted to the Judge Advocate General of the Army.

ART. 36. Disposition of records—special and summary courts-martial: After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of summary courts-martial may be destroyed.

ART. 37. Irregularities—effects of: The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence or for any error as to any matter of pleading or procedure unless, in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles: *Provided further*, That the omission of the words "hard labor" in any sentence of a court-martial adjudging imprisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments.

ART. 38. President may prescribe rules: The President may, by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals, which regulations shall, in so far as he shall deem practicable, apply the rules of evidence generally recognized in the trial of criminal cases in the district courts of the United States: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

E. LIMITATIONS UPON PROSECUTIONS.

ART. 39. As to time: Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles 93 and 94 of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

ART. 40. As to number: No person shall, without his consent, be tried a second time for the same offense; but no proceeding in which an accused has been found guilty by a court-martial upon any charge or specification shall be held to be a trial in the sense of this article until the reviewing and, if there be one, the confirming authority shall have taken final action upon the case.

No authority shall return a record of trial to any court-martial for reconsideration of—

(a) An acquittal; or

(b) A finding of not guilty of any specification; or

(c) A finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some article of war; or

(d) The sentence originally imposed, with a view to increasing its severity, unless such sentence is less than the mandatory sentence fixed by law for the offense or offenses upon which a conviction has been had.

And no court-martial, in any proceedings on revision, shall reconsider its finding or sentence in any particular in which a return of the record of trial for such reconsideration is hereinbefore prohibited.

F. PUNISHMENTS.

ART. 41. Cruel and unusual punishments prohibited: Cruel and unusual punishments of every kind, including flogging, branding, marking, or tattooing on the body, are prohibited.

ART. 42. Places of confinement—when lawful: Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall, under the sentence of a court-martial, be punished by confinement in a penitentiary unless an act or omission of which he is convicted is recognized as an offense of a civil nature and so punishable by penitentiary confinement for more than one year by some statute of the United States of general application within the continental United States, excepting section 289, Penal Code of the United States, 1910, or by the law of the District of Columbia, or by way of commutation of a death sentence, and unless also the period of confinement authorized and adjudged by such court-martial is more than one year: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby au-

thorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary.

ART. 43. Death sentence—when lawful: No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of all the members of said court-martial, and for an offense in these articles expressly made punishable by death: *Provided, however*, That any penalty other than death may be imposed by three-fourths of the members of said court-martial. All other convictions and sentences, whether by general or special court-martial, may be determined by a two-thirds vote of those members present at the time the vote is taken. All other questions shall be determined by a majority vote.

ART. 44. Cowardice; fraud—accessory penalty: When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

ART. 45. Maximum limits: Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not exceed such limit or limits as the President may from time to time prescribe: *Provided*, That in time of peace the period of confinement in a penitentiary shall in no case exceed the maximum period prescribed in law which, under article 42 of these articles, permits confinement in a penitentiary, unless in addition to the offense so punishable under such law the accused shall have been convicted at the same time of one or more purely military offenses.

C. ACTION BY APPOINTING OR SUPERIOR AUTHORITY.

ART. 46. Action by convening authority: Under such regulations as may be prescribed by the President, every record of trial by general court-martial or military commission, received by a reviewing or confirming authority, shall be referred by him before he acts thereon to his staff judge advocate or to the Judge Advocate General. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.

ART. 47. Powers incident to power to approve: The power to approve the sentence of a court-martial shall be held to include:

(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to approve or disapprove the whole or any part of the sentence.

ART. 48. Confirmation—when required: In addition to the approval required by article 46, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

(a) Any sentence respecting a general officer;

(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division;

(c) Any sentence extending to the suspension or dismissal of a cadet; and

(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution, subject to the provisions of article 50½, upon confirmation by the commanding general of the Army in the field or by the commanding general of the territorial department or division.

When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary.

ART. 49. Powers incident to power to confirm: The power to confirm the sentence of a court-martial shall be held to include:

(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to confirm or disapprove the whole or any part of the sentence.

ART. 50. Mitigation or remission of sentences: The power to order the execution of the sentence adjudged by a court-martial shall be held to include, inter alia, the power to mitigate or remit the whole or any part of the sentence.

Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority, and no approved sentence of loss of files by an officer shall be remitted or mitigated by any authority inferior to the President, except as provided in the fifty-second article.

When empowered by the President so to do, the commanding general of the Army in the field or the commanding general of the territorial department or division may approve or confirm and commute (but not approve or confirm without commuting), mitigate, or remit and then order executed as commuted, mitigated, or remitted any sentence which under these articles requires the confirmation of the President before the same may be executed.

The power of remission or mitigation shall extend to all uncollected forfeitures adjudged by sentence of court-martial.

ART. 50½. Review; rehearing: The Judge Advocate General shall constitute, in his office, a board of review consisting of not less than three officers by the Judge Advocate General's Department.

Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46 or article 48 is submitted to the President such record shall be examined by the board of review. The board shall submit its opinion, in writing, to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

No authority shall order the execution of a sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence, except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When, in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or errors of law have been committed substantially affecting the rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper. In the event that the Judge Advocate General shall not concur in the holding of the board of review, or if the board of review shall confirm the findings or sentence, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own concurrence therein or dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part, with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing. Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: *Provided*, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed substantially affecting the rights of the accused, unless the case is dismissed by order of the confirming authority.

Every record of trial by general court-martial examination of which by the board of review is not hereinbefore in this article provided for shall nevertheless be examined in the Judge Advocate General's Office, and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove, or vacate, in whole or in part, any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government.

Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an Assistant Judge Advocate General, with any distant command, and to establish in such branch office a board of review, or more than one. Such Assistant Judge Advocate General and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President.

ART. 51. Suspension of sentence of dismissal or death: The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President.

ART. 52. Suspension of sentences: The authority competent to order the execution of the sentence of a court-martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War or the commanding officer holding general court-martial jurisdiction over any such offender, may at any time thereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions, the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof in so far as the same shall not have been previously remitted, subject to like power of suspension. The death or dishonorable discharge of a person under a suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence.

ART. 53. Execution or remission—confinement in disciplinary barracks: When a sentence of dishonorable discharge has been suspended until the soldier's release from confinement, the execution or remission of any part of his sentence shall, if the soldier be confined in the United States Disciplinary Barracks, or any branch thereof, be directed by the Secretary of War.

III. PUNITIVE ARTICLES.

A. ENLISTMENT; MUSTER; RETURNS.

ART. 54. Fraudulent enlistment: Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct.

ART. 55. Officer making unlawful enlistment: Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

ART. 56. Muster rolls—false muster: At every muster of a regiment, troop, battery, or company the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War as speedily as the distance of the place and muster will admit. Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

ART. 57. False returns—Omission to render returns: Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels to the Department of War an exact return of the same. Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunition, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.

B. DESERTION; ABSENCE WITHOUT LEAVE.

ART. 58. Desertion: Any person subject to military law who deserts or attempts to desert the service of the United States, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

ART. 59. Advising or aiding another to desert: Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

ART. 60. Entertaining a deserter: Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs, shall be punished as a court-martial may direct.

ART. 61. Absence without leave: Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct.

C. DISRESPECT; INSUBORDINATION; MUTINY.

ART. 62. Disrespect toward the President, Vice President, Congress, Secretary of War, governors, legislatures: Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct.

ART. 63. Disrespect toward superior officer: Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct.

ART. 64. Assaulting or willfully disobeying superior officer: Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

ART. 65. Insubordinate conduct toward noncommissioned officer: Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

ART. 66. Mutiny or sedition: Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct.

ART. 67. Failure to suppress mutiny or sedition: Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer, shall suffer death or such other punishment as a court-martial may direct.

ART. 68. Quarrels; frays; disorders: All officers and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer or draws a weapon upon or otherwise threatens or does violence to him shall be punished as a court-martial may direct.

D. ARREST; CONFINEMENT.

ART. 69. Arrest or confinement: Any person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest, as circumstances may require; but when charged with a minor offense only such person shall not ordinarily be placed in confinement. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer or cadet who breaks his arrest or who escapes from confinement, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest, whether before or after trial or sentence and before he is set at liberty by proper authority, shall be punished as a court-martial may direct.

ART. 70. Charges—action upon: Charges and specifications must be signed by a person subject to military law, and under oath either that he has personal knowledge of, or has investigated, the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

No charge will be referred for trial until after a thorough and impartial investigation thereof shall have been made. This investigation will include inquiries as to the truth of the matter set forth in said charges, form of charges, and what disposition of the case should be made in the interest of justice and discipline. At such investigation full opportunity shall be given to the accused to cross-examine witnesses against him and to present anything he may desire in his own behalf either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after such investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides.

Before directing the trial of any charge by general court-martial, the appointing authority will refer it to his staff judge advocate for consideration and advice.

When any person subject to military law is placed in arrest or confinement, immediate steps will be taken to try the person accused or to dismiss the charge and release him. Any officer who is responsible for unnecessary delay in investigating or carrying the case to a final conclusion shall be punished as a court-martial may direct. When a person is held for trial by general court-martial the commanding officer will, within eight days after the accused is arrested or confined, if practicable, forward the charges to the officer exercising general court-martial jurisdiction and furnish the accused a copy of such charges. If the same be not practicable, he will report to superior authority the reasons for delay. The trial judge advocate will cause to be served upon the accused a copy of the charges upon which trial is to be had, and a failure so to serve such charges will be ground for a continuance unless the trial be had on the charges furnished the accused as hereinbefore provided. In time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

ART. 71. Refusal to receive and keep prisoners: No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall at the time deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct.

ART. 72. Report of prisoners received: Every commander of a guard to whose charge a prisoner is committed shall, within 24 hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report he shall be punished as a court-martial may direct.

ART. 73. Releasing prisoner without proper authority: Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who, through neglect or design, suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

ART. 74. Delivery of offenders to civil authorities: When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence.

E. WAR OFFENSES.

ART. 75. Misbehavior before the enemy: Any officer or soldier who, before the enemy, misbehaves himself, runs away, or shamefully abandons or delivers up or by any misconduct, disobedience, or neglect endangers the safety of any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct.

ART. 76. Subordinates compelling commander to surrender: Any person subject to military law who compels or attempts to compel any commander of any garrison, fort, post, camp, guard, or other command,

to give it up to the enemy or to abandon it shall be punishable with death or such other punishment as a court-martial may direct.

ART. 77. Improper use of countersign: Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct.

ART. 78. Forcing a safeguard: Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

ART. 79. Captured property to be secured for public service: All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct.

ART. 80. Dealing in captured or abandoned property: Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

ART. 81. Relieving, corresponding with, or aiding the enemy: Whosoever relieves or attempts to relieve the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as a court-martial or military commission may direct.

ART. 82. Spies: Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

F. MISCELLANEOUS CRIMES AND OFFENSES.

ART. 83. Military property—willful or negligent loss, damage, or wrongful disposition: Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.

ART. 84. Waste or unlawful disposition of military property issued to soldiers: Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.

ART. 85. Drunk on duty: Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct.

ART. 86. Misbehavior of sentinel: Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

ART. 87. Personal interest in sale of provisions: Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessaries of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

ART. 88. Intimidation of persons bringing provisions: Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any persons bringing provisions, supplies, or other necessaries to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct.

ART. 89. Good order to be maintained and wrongs redressed: All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot, shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as the court-martial may direct.

ART. 90. Provoking speeches or gestures: No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

ART. 91. Dueling: Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

ART. 92. Murder—rape: Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

ART. 93. Various crimes: Any person subject to military law who commits manslaughter, mayhem, arson, burglary, housebreaking, robbery, larceny, embezzlement, perjury, forgery, sodomy, assault with intent to commit any felony, assault with intent to do bodily harm with a dangerous weapon, instrument, or other thing, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

ART. 94. Frauds against the Government: Any person subject to military law who makes or causes to be made any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper knowing the same to contain any false or fraudulent statements; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence, stores, money, or other property of the United States furnished or intended for the military service thereof; or

Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

Shall, on conviction thereof, be punished by fine or imprisonement, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

ART. 95. Conduct unbecoming an officer and gentleman: Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

ART. 96. General article: Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

IV. COURTS OF INQUIRY.

ART. 97. When and by whom ordered: A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into.

ART. 98. Composition: A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder.

ART. 99. Challenges: Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available.

ART. 100. Oath of members and recorders: The recorder of a court of inquiry shall administer to the members the following oath: "You, A B, do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you without partiality, favor, affection, prejudice, or hope of reward. So help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you God."

In case of affirmation the closing sentence of adjuration will be omitted.

ART. 101. Powers; procedure: A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the trial judge advocate thereof. Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

ART. 102. Opinion on merits of case: A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

ART. 103. Record of proceedings—How authenticated: Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof, and

be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court.

V. MISCELLANEOUS PROVISIONS.

ART. 104. Disciplinary powers of commanding officers: Under such regulations as the President may prescribe, the commanding officer of any detachment, company, or higher command may, for minor offenses, impose disciplinary punishments upon persons of his command without the intervention of a court-martial, unless the accused demands trial by court-martial.

The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges for not exceeding one week, extra fatigue for not exceeding one week, restriction to certain specified limits for not exceeding one week, and hard labor without confinement for not exceeding one week, but shall not include forfeiture of pay or confinement under guard; except that in time of war or grave public emergency a commanding officer of the grade of brigadier general or of higher grade may, under the provisions of this article also impose upon an officer of his command below the grade of major a forfeiture of not more than one-half of such officer's monthly pay for one month. A person punished under authority of this article, who deems his punishment unjust or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

ART. 105. Injuries to property—redress of: Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders, and the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

ART. 106. Arrest of deserters by civil officials: It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States.

ART. 107. Soldiers to make good time lost: Every soldier who, in an existing or subsequent enlistment, deserts the service of the United States, or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable, for more than one day, to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve.

ART. 108. Soldiers—separation from the service: No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 109. Oath of enlistment: At the time of his enlistment every soldier shall take the following oath or affirmation: "I ——— ———, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War." This oath or affirmation may be taken before any officer.

ART. 110. Certain articles to be read and explained: Articles 1, 2, and 29, 54 to 96 inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

ART. 111. Copy of record of trial: Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial.

ART. 112. Effects of deceased persons—disposition of: In case of the death of any person subject to military law the commanding officer of the place of command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters; and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects; and said summary court shall have authority to collect and receive any debts due decedent's estate by local debtors and to pay the undisputed local creditors of decedent, in so far as any money belonging to the deceased which may come into said summary court's possession under this article will permit, taking receipts therefor for file with said court's final report upon its transactions to the War Department; and as soon as practicable after the collection of such effects said summary court shall transmit such effects, and any money collected, through the Quartermaster Department, at Government expense, to the widow or legal representative of the deceased, if such be found by said court, or to the son, daughter, father, provided the father has not abandoned the support of his family, mother, brother, sister, or the next of kin in the order named, if such be found by said court, or the beneficiary named in the will of the deceased, if such be found by said court, and said court shall thereupon make to the War Department a full report of its transactions; but if there be none of the persons hereinabove named, or such persons or their addresses are not known to or readily ascertainable by said court, and the said court shall so find, said summary court shall have authority to convert into cash, by public or private sale, not earlier than 30 days after the death of the deceased, all effects of deceased, except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposits, any will or other papers of value belonging to the deceased, any sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, together with an inventory of the effects secured by said summary court, and a full account of its transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of accounts of deceased officers and enlisted men of the Army.

The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

ART. 113. Inquests: When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and for this purpose such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death.

ART. 114. Authority to administer oaths: Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the trial judge advocate or any assistant trial judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

ART. 115. Appointment of reporters and interpreters: Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same in the first instance in shorthand. Under like regulations the president of a court-martial or military commission, or court of inquiry, or a summary court may appoint an interpreter who shall interpret for the court or commission.

ART. 116. Powers of assistant trial judge advocate and of assistant defense counsel: An assistant trial judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the trial judge advocate of the court. An assistant defense counsel shall be competent likewise to perform any duty devolved by law, regulation, or the custom of the service upon counsel for the accused.

ART. 117. Removal of civil suits: When any civil or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section 33 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause.

ART. 118. Officers, separation from service: No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a court-martial or in mitigation thereof; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction.

ART. 119. Rank and precedence among Regulars, Militia, and Volunteers: That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field department, or command, or of any organization thereof, without regard to seniority of rank in the same grade.

ART. 120. Command when different corps or commands happen to join: When different corps or commands of the military forces of the United States happen to join or do duty together the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States, or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, com-

mand the whole and give orders for what is needful in the service, unless otherwise directed by the President.

ART. 121. Complaints of wrongs: Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

"SEC. 2. That the provisions of Chapter II of this act shall take effect and be in force six months after the approval of this act.

SEC. 3. That all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of Chapter II of this act, under any law embraced in or modified, changed, or repealed by Chapter II of this act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if Chapter II of this act had not been passed.

SEC. 4. That section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed and all laws and parts of laws in so far as they are inconsistent with the provisions of Chapter II of this act are hereby repealed.

Mr. CHAMBERLAIN. The title of the bill when it was first introduced and referred to the Committee on Military Affairs was "A bill to establish military justice."

The Committee on Military Affairs referred it to a subcommittee consisting of Senators WARREN, LENROOT, and myself. After extensive hearings we reported back to the committee the bill which was known as Senate bill 64, with amendments, and the report of the subcommittee was adopted by the full committee, and the bill as reported to the committee by the subcommittee and adopted has been reported to the Senate. The committee agreed that the bill might be offered as an amendment to the Army reorganization bill, so called, and I now offer it as an amendment to the pending bill. I do not know of any objections to it. If there are any and any explanation is desired as to the purpose of the amendment, I shall be very glad to make it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

Mr. WADSWORTH. The Committee on Military Affairs authorized me to accept that as an amendment to the bill, and I take this opportunity of saying that this legislation, prepared by the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Wyoming [Mr. WARREN], and the Senator from Wisconsin [Mr. LENROOT], is exceedingly important. It is the result of months of study, reports from two or three committees and commissions of lawyers and officers in the Army, and accomplishes, we believe, a very healthy and much-desired reform in the system of military justice. I do not know what the Senator's intention is, but I think it would be rather a pity if the Senator from Oregon did not tell the Senate something about it, although he may decide to say nothing.

Mr. POMERENE. I am very much impressed with the title of the bill, "To establish military justice," and for one would very much like to have the Senator from Oregon explain his amendment.

Mr. CHAMBERLAIN. I shall be very glad to do it. It is really a reenactment of the Articles of War with certain changes which the World War has suggested, and changes which have been suggested by the subcommittee of the Committee on Military Affairs.

The Senator may remember that on December 30, 1918, I delivered an address in the Senate attacking the court-martial system as it had been in force up to that time. Early in 1919, or possibly the latter part of 1918, I prepared an amendment to the Articles of War which I thought would correct the inequalities and injustices in the enforcement of military law. The Senate Committee on Military Affairs, beginning in February, 1919, held quite extensive hearings upon that bill, which was then pending. Amongst other witnesses who were called was Gen. Ansell, who entertained one view with reference to the power conferred upon the Judge Advocate General by the Articles of War, and Gen. Crowder, the Judge Advocate General, who entertained an opposite view. Quite a number of other witnesses were called in reference to the measure.

The whole controversy revolved about and hinged upon the construction to be given to section 1199 of the Revised Statutes, which vested in the Judge Advocate General of the Army the power—

to receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army.

It was insisted by Gen. Ansell in substance upon the one side that that provision gave power to revise and to modify and, if necessary, to reverse sentences given by courts-martial and to send them back to the approving authority with instructions to make whatever disposition thereof the Judge Advocate General might see fit to make.

On the other hand, Gen. Crowder's construction of that provision of the statutes was that he had no power to modify or to change or to reverse the decision of courts-martial, provided only that the proceedings were regular; that he had no power, even if there were such irregularities in the trial as worked prejudicial error to the accused, if the proceedings were regular, to reverse or change or modify the sentence that was imposed by the court-martial. I am not going into that because it is a long, long story.

Mr. POMERENE. Do I understand from the statement just made by the Senator that the judgment of the court-martial then was final as to the facts?

Mr. CHAMBERLAIN. Practically final.

Mr. POMERENE. And as to the law as well?

Mr. CHAMBERLAIN. Yes. This controversy came up as early as November 10, 1917, when Gen. Ansell, who was Acting Judge Advocate General, wrote a memorandum and brief to the Secretary of War for his personal consideration, taking the position that, under the act to which I have just referred and which I have read, the Judge Advocate General had the power to examine the record, revise it, and practically to reverse the decision of the court-martial. In other words, that he had practically supervisory appellate jurisdiction and power.

If the Senator from Ohio is interested in the subject, he will find this memorandum in the hearings reported by the subcommittee quite at length. That brief of Gen. Ansell was referred by the Secretary of War to Gen. Crowder, who, on his part, rendered quite a lengthy opinion taking issue with Gen. Ansell as to the power that the Judge Advocate General had and as to the revisory power of the Judge Advocate General. It led to quite a controversy in the Judge Advocate General's Department, the Judge Advocate and some of those associated with him adhering to his view, while there were a number of those associated in the Judge Advocate General's Department who stood with Gen. Ansell.

The Secretary of War, on the 27th of November, 1917, made this note after he had received the memorandum of Judge Crowder:

As a convenient mode of doing justice exists in the instant cases, I shall be glad to act in reliance upon a usual power and leave this larger question for future consideration, informed by the further study which the Judge Advocate General is giving it. Ordinarily, however, the extraction of new and large grants of power by reinterpreting familiar statutes with settled practical construction is unwise. A frank appeal to the Legislature for added power is wiser.

That was in November, 1917, and while the war was yet upon us. The Secretary of War lined himself up at once with the advocates of those who adhered to the view of Gen. Crowder, and from that time to this moment if there has been any change of heart in the Secretary of War I do not know it.

In any event, while these hearings were being had before the Committee on Military Affairs in 1918, the committee asked Gen. Ansell, a very distinguished lawyer and a patriotic soldier, and one absolutely without fear, as his subsequent conduct proved, to prepare amended articles of war and present them to the Military Affairs Committee in the form of a bill to meet the difficulties which had grown out of the different constructions which had been placed upon the law. He did prepare, and I introduced in the Senate, what is known as Senate bill No. 64. That was the bill which was referred to the Committee on Military Affairs, and by that committee referred to a subcommittee, as has been stated heretofore.

In addition to the appointment of the subcommittee to investigate the whole subject, and while the investigation was pending, the Secretary of War, for some reason best known to himself, appointed a committee of the American Bar Association, or some one in the War Department did so in conjunction with the president of the association, to investigate the matter. The committee so appointed consisted of the following gentlemen: Mr. Andrew A. Bruce, Mr. Martin Conboy, Mr. John Hinkley, Mr. S. S. Gregory, and Mr. William P. Bynum, all distinguished lawyers and members of the American Bar Association. That committee investigated the whole subject and in due course reported to the American Bar Association its conclusions and findings as to the Articles of War. This report was filed with the secretary of the executive committee of the association in July, 1919. It is a most interesting report, and I hope the Senator from Ohio will, at his leisure, read it.

Mr. POMERENE. Am I to understand, if the Senator please, that this report indorses the bill which was prepared by Gen. Ansell and to which the Senator has referred?

Mr. CHAMBERLAIN. No; it did not. That committee did not approve any bill. It made some recommendations, some of which were consonant with the provisions of the so-called Ansell bill and some were not; but while that committee was investigating the Secretary of War evidently feared to trust either the

Military Affairs Committee or the committee of the American Bar Association and proceeded to appoint another committee, a military committee, consisting of Maj. Gen. F. D. Kernan, Maj. Gen. John F. O'Ryan, Lieut. Col. Hugh B. Ogden, and Lieut. Col. F. M. Barrett. That committee also went into an examination of the whole subject and reported to the Secretary of War, I think, on July 17, 1919. That committee reported a set of amended articles of war, amending the then existing Articles of War in very many essential particulars.

Later on, after all of these reports were before the War Department, there came a reoprt from the War Department itself suggesting amended Articles of War to meet the conditions and troubles which had been suggested in the original construction of the law.

We have, then, for consideration here to-day the existing Articles of War, the so-called Kernan report, which is the report of the War Department committee that was appointed by the Secretary of War, and the articles which were proposed by the War Department itself.

The Kernan report adopted very many of the suggestions that are contained in Senate bill 64, the bill introduced by me. The bill proposed by the War Department contained many suggestions made by the Kernan board and many suggestions contained in Senate bill 64, and these constitute the basis of the pending amendment.

I am going to call the attention of the Senate to only a few of the provisions of the amendment, the purpose of which is to give a greater revisory and appellate power to the Judge Advocate General and to the board of review sitting in his office.

The most radical change made in the Articles of War is to be found in a new article known as 50½. That article was proposed by the War Department, but some important amendments were made to it by the subcommittee of the Committee on Military Affairs, and as amended the Military Affairs Committee approved it, and it is part of the amendment which I am now offering. I am going to read that. It is a little long, but Senators can get from a reading of it just exactly what a wide change was made in the Articles of War:

ART. 50½. Review; rehearing: The Judge Advocate General shall constitute in his office a board of review consisting of not less than three officers of the Judge Advocate General's Department.

Before any record of trial in which there has been adjudged a sentence requiring approval or confirmation by the President under the provisions of article 46 or article 48 is submitted to the President such record shall be examined by the board of review.

The board shall submit its opinion, in writing, to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President.

No authority shall order the execution of a sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence, except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty. When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When, in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or errors of law have been committed substantially affecting the rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper.

That is a power that Ansell always claimed the Judge Advocate General possessed, but the Judge Advocate General claimed that he had no such power. Now, that power is expressly conferred by the provision which I am now reading:

In the event that the Judge Advocate General shall not concur in the holding of the board of review, or if the board of review shall confirm the findings or sentence, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own concurrence therein or dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part, with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part.

When the President or any reviewing or confirming authority disapproves or vacates a sentence the execution of which has not theretofore been duly ordered, he may authorize or direct a rehearing. Such rehearing shall take place before a court composed of officers not members of the court which first heard the case. Upon such rehearing the accused shall not be tried for any offense of which he was found not guilty by the first court, and no sentence in excess of or more severe than the original sentence shall be enforced unless the sentence be based upon a finding of guilty of an offense not considered upon the merits in the original proceeding: *Provided*, That such rehearing shall be had in all cases where a finding and sentence have been vacated by reason of the action of the board of review approved by the Judge Advocate General holding the record of trial legally insufficient to support the findings or sentence or that errors of law have been committed substantially affecting the rights of the accused, unless the case is dismissed by order of the confirming authority.

Every record of trial by general court-martial examination of which by the board of review is not hereinbefore in this article provided for shall nevertheless be examined in the Judge Advocate General's Office, and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove, or vacate, in whole or in part, any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government.

Whenever necessary, the Judge Advocate General may constitute two or more boards of review in his office, with equal powers and duties.

Whenever the President deems such action necessary, he may direct the Judge Advocate General to establish a branch of his office, under an assistant judge advocate general, with any distant command, and to establish in such branch office a board of review, or more than one. Such assistant judge advocate general and such board or boards of review shall be empowered to perform for that command, under the general supervision of the Judge Advocate General the duties which the Judge Advocate General and the board or boards of review in his office would otherwise be required to perform in respect of all cases involving sentences not requiring approval or confirmation by the President.

I have read that in full because I wanted it in the RECORD as a part of this brief statement. It is the gist of the whole proposed amended Articles of War, because it gives to the proposed board of review and to the Judge Advocate General powers which the Judge Advocate General claims he has not heretofore had and which, it seemed to me and seemed to the committee, are absolutely essential to do full justice to men convicted by courts-martial.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. I yield.

Mr. POMERENE. I have knowledge of a number of instances where, although there have been convictions and commitments, the person committed was later released. How has that been done—by what process?

Mr. CHAMBERLAIN. The Senator refers to what is being done now?

Mr. POMERENE. Yes.

Mr. CHAMBERLAIN. I do not know by what authority much of it is being done, but I assume that it is because the authorities still have control of a man until his sentence has been executed.

Mr. POMERENE. If the Senator will pardon me, such a case came to my attention from my own State some months ago. A young man was fighting in the trenches at a place to which no drinking water could be brought, and he became almost famished for water. Finding a little pool in the bottom of the trench, he drank from it, and in a short time was seized with pains to such a degree that he became delirious. In his delirium he wandered from the trench and went to the rear. He was arrested, tried, convicted of desertion, and sentenced to Leavenworth Penitentiary. He protested his innocence all the while, but no opportunity was afforded him to have his fellow soldiers come to testify in his behalf. After the armistice was signed and the troops were demobilized and the soldiers of his company returned—this soldier was from Delaware, Ohio—the matter was taken up by his neighbors. Affidavits were secured from his fellow soldiers corroborating in every particular the story of this soldier, who was then paying the penalty in Leavenworth Penitentiary. Through my office this matter was brought to the attention of the War Department. They saw that a mistake had been made, and, be it said to the credit of the War Department, the soldier was released, and be it also said to the discredit of the court-martial that that man was ever convicted.

That young man was one of the flower of his community; everybody had unlimited confidence in him and an utter lack of confidence in the court-martial. A grave injustice was done. I am sure not many cases of that kind occur, but I became convinced by the experience I had with that case that it was very necessary that there should be a complete opportunity for a full review of court-martial proceedings, and I am, therefore, in entire sympathy with the provision of the Senator's amendment.

Mr. CHAMBERLAIN. I will say to the Senator that it is the purpose of the amendment we have undertaken to make to

the Articles of War to provide relief in such cases. We may not have gone as far as we ought to have gone, but we have certainly taken a vast stride in the right direction. If I were to undertake to tell the Senator of instances within my knowledge similar to the one he has cited I could spend the whole day relating them; but I have purposely avoided doing so. I promised that I would at some time call attention to them; but the war is over and I do not deem it necessary in view of the evident attitude of the Senate with respect to the pending amendment. Gen. Crowder promised at the hearing in February, 1919, that within 60 days there would be practically a jail delivery of the young men who had been sent up for long terms for breaches of military discipline.

The promise was not entirely complied with; there was not a complete jail delivery in 60 days; but I believe that practically every young man who during the World War was sent to prison for long terms for breaches of military discipline has been let out. Many of them, too, who were guilty of higher grades of crime have been permitted to restore themselves to the colors by being transferrred to the disciplinary battalion and then winning their way back into the esteem of their fellows and wiping out the stigma of conviction.

I really do not know where the authority comes from that is exercised to bring about all of these results, but I do know that no man will ever question the authority which has been exercised to relieve these young men from the sentences imposed upon them.

I have some feeling about this matter, I will say to the Senator, and it is hard for me to discuss the subject without showing that feeling. It was just as easy for the Judge Advocate General, if he had seen fit to do so, to have placed a construction upon section 1189 of the Federal statutes that would have enabled him to do all the things that this bill does now, but to have done so would not have been in conformity with the wishes of a military autocrat, who did not want the military command to be interfered with by anybody anywhere. So that, taking the case the Senator has cited, there might have been a complete miscarriage of justice by the court-martial, evidence might have been admitted there that was prejudicial to a substantial right of the accused; there might have been other irregularities that affected his substantial rights, and yet if the record had been regular on its face there was, according to the Crowder construction of the statute, no relief.

All in the world that the Judge Advocate could do under his construction of the law was to send that record back to the approving authority—that is, the commanding officer of that young man, the authority that appointed the court, and advise them—not direct them to set aside the judgment—but merely advise them, which advice could be entirely ignored by the approving authority. It frequently happened that the approving authority, namely, the commanding officer who appointed the court, set aside the judgment of the court and ordered a retrial, and sometimes a man who had been acquitted in the first instance was convicted or sentenced for a higher grade of crime than he was sentenced for in the first instance. That may be all right in the autocratic military sense, but it is un-American, particularly in a time of war, when the flower and chivalry of American youth was serving in the Army. It might be all right to the military mind to treat a lot of hoboes in that way and not give them the right of appeal anywhere, but here were the sons, the husbands, and the brothers of the best people in America, and, as in the illustration the Senator has cited—and I could give hundreds of further illustrations—to arbitrarily send the young man to the penitentiary without giving him a chance of review was outrageous to every sense of public justice. It was for that reason that I took this matter up as soon as the war was over; in fact, I commenced it while the war was on. It has been an uphill fight ever since.

I am not going to discuss it again, but I refer to the fact that in order to carry out the views of Gen. Crowder in this matter the Secretary of War allowed to be constituted in the War Department a propaganda bureau that, at Government expense, sent out letters prepared by a man or men in the Judge Advocate General's office espousing his theory. Such letters were sent to lawyers and people generally throughout the country to prejudice the case that was being made to Congress in behalf of the young men in the Army.

Another thing that is included in this amendment is to give these young men the right to employ civil counsel, and it requires the court-martial to appoint civilian counsel at the request of a soldier. It requires the appointing authority to appoint military counsel as well for the man who is on trial, part of which right he never had until these articles proposed to give him the right of counsel of his own selection. In many instances the soldier was not defended at all. Now he has that right. It is an American right. Whether he chooses to exercise it or not is for him to determine, but he has the right to do it if he sees fit.

Mr. President, there are many, many provisions here which tend to mitigate the condition of a man tried by a military court. I may say that many of the provisions of Senate bill 64 are embodied in this amendment. Many of the provisions of the Kernan Board's recommendations are embodied in it, as well as many provisions proposed by the War Department. In other words, we have taken the best of it all, and after extensive hearings and after testimony of distinguished men from all parts of the country—military and civilian lawyers, professors in universities, and other men—we have formulated Articles of War which may hereafter need amendment, but which are the best we could prepare at this time; and in the last analysis, I think, they will go a long way to protect the officers and enlisted men of our Army in future.

Mr. POMERENE. Mr. President, was this bill approved unanimously by the full committee?

Mr. CHAMBERLAIN. The full committee was not there, but a quorum of the committee was there. It was approved by those who were there.

Mr. POMERENE. By a quorum?

Mr. CHAMBERLAIN. Yes.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, I ask that I may agree with the chairman of the Military Affairs Committee just where this amendment shall go in, so as to make the bill a consistent whole.

The PRESIDING OFFICER. Without objection, that permission is granted.

Mr. CHAMBERLAIN. I can agree with the chairman as to that. There will not be any change in the form of the amendment, except the numbering of the sections so as not to interfere with the other provisions of the bill.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Gronna	Knox	Smith, Ariz.
Brandegee	Hale	Lenroot	Smith, Ga.
Capper	Harris	Lodge	Smith, Md.
Chamberlain	Harrison	McKellar	Smith, S. C.
Curtis	Jones, N. Mex.	New	Sutherland
Dial	Jones, Wash.	Nugent	Thomas
Dillingham	Kellogg	Overman	Trammell
France	Kendrick	Page	Walsh, Mass.
Frelinghuysen	Kenyon	Pomerene	Wolcott
Gerry	Keyes	Ransdell	
Glass	Kirby	Sheppard	

Mr. JONES of Washington. I desire to announce that the senior Senator from Virginia [Mr. SWANSON] is necessarily absent on account of the illness of his wife.

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

Mr. CURTIS. I wish to announce that the Senator from Colorado [Mr. PHIPPS], the Senator from South Dakota [Mr. STERLING], and the Senator from New Hampshire [Mr. MOSES] are absent on official business.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Reading Clerk called the names of the absent Senators, and Mr. SMOOT answered to his name when called.

Mr. MCCORMICK and Mr. WARREN entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present.

Mr. WADSWORTH. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. KING, Mr. PITTMAN, Mr. MCNARY, Mr. WATSON, and Mr. MCCUMBER entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to their names. There is a quorum present.

Mr. HARRISON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from Mississippi.

The READING CLERK. On page 52, lines 3 and 4, strike out the words "lineal list of his own branch" and insert the words

"relative list of the Regular Army"; and, on page 53, line 2, after the word "service," insert the following proviso:

Provided, That no officer shall be placed on the list below any officer to whom he is at present senior on the relative list of the Regular Army.

The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi.

Mr. WADSWORTH. Did the Senator from Mississippi want the floor?

Mr. HARRISON (to Mr. WADSWORTH). You can go ahead.

Mr. WADSWORTH. Mr. President, I merely wish to say that I hope this amendment will not be adopted. It is one that was discussed somewhat the other afternoon in a colloquy between the Senator from Mississippi and myself. It will make a most profound change in the arrangement of the single list as provided in the bill.

From time to time in the past Congress, by provisions inserted in appropriation bills and other acts of legislation, has expanded one branch or another of the Army, and, as promotions have been running within the several branches, the expansion of a branch resulted in the rapid promotion of officers serving in that branch, so that the several groups of officers serving in the several branches have profited tremendously by these expansions. The Field Artillery, the Engineers, and the Coast Artillery, as I recollect, have been expanded from time to time by Congress, with the result that officers in those branches have moved up in grade.

The single-list provision, as we have it drawn in the pending bill, will result in those officers who have profited by that kind of promotion, which I shall always insist was promotion which was not earned, pausing or waiting, as it were, upon the single list for promotion until officers with equal length of service have caught up with them. We do not take away from an officer, under the provisions of the bill, anything he now has in the way of rank. It may be said, however, that we take away from him the profits which he expected to get when he made the transfer to a branch which was expanding.

If the amendment offered by the Senator from Mississippi is adopted, those Coast Artillery and Field Artillery and Engineer officers who have gone far ahead of their contemporaries on account of the vicious system which has prevailed will be assured for the rest of their Army careers of staying ahead of their contemporaries until they reach the age of retirement.

In other words, where an officer happened to be in a branch which was expanding, and was promoted as the result of that expansion, the amendment of the Senator from Mississippi would crystallize into law every promotion so received, which I always insisted would give the officer something he did not really earn.

It may be said that if we had no single list for promotion at all officers of the Infantry, the Cavalry, the Signal Corps, and some others, might have some chance of catching up in years to come with some of their contemporaries who have been advanced so tremendously by reason of expansions and transfers, because at least they might come to Congress later on and persuade Congress, if they could, to expand their branches so that they could catch up with their fellows. They would at least have that chance. But now that we are going to adopt the single list—and that seems to be assured, as the House has passed a provision exactly like ours—we are going to write into law that the law of promotion in the future shall run along with the single list. But by adopting the amendment of the Senator from Mississippi we would write into the law a confirmation of all these inequalities which have been created prior to this time, so that in the future the officers of like ability, of like initiative, of like force, who by accident have been left behind because their branches have not been expanded, will never be able to catch up. In other words, we make it permanent if the amendment of the Senator from Mississippi is agreed to.

I think myself that in the interest of fair play to all the officers of the Army the single list for promotion should remain as it is in the bill. Otherwise the men who managed to persuade Congress in years past to expand their branches and have thereby secured promotion will remain all the time ahead of their fellows, and there will be left away back in the rear the officers of the Infantry and the Cavalry, who did not get such lucky treatment in years past, with a hopeless handicap against ever catching up with men who graduated from West Point on the very same day.

It may interest Senators, Mr. President, to know that the committee has been assisted in drafting the section for the single list promotion by two officers of the Regular Army. They graduated from West Point on the same day. One of them joined the Coast Artillery; the other one, as I recollect, joined the Infantry. A little later on during their careers the Coast Artillery was expanded, and the Coast Artillery officer jumped four years ahead of his classmate. Those two officers helped draw this provision of the pending bill, and the Coast Artillery officer says that in fairness he ought to be required to wait until his classmate overtakes him. I find that to be the spirit amongst the majority of the officers of the Army with whom I have discussed the matter.

Mr. HARRISON. Mr. President, I am glad the Senator from New York gave to the Senate that information as an excuse why the provision was put into the bill. I judge from the closing part of his remarks that it was done at the instigation of two Army officers, who were being used as experts before the Military Affairs Committee of the Senate, one of whom was in the Coast Artillery and the other in the Infantry. Both those branches of the military service will greatly gain by what the Senate Military Affairs Committee proposes to do by the single list. Both men will be greatly promoted, far beyond their deserts, by the action of the Senate Military Affairs Committee.

The branches of the service in which the officers will be retarded in their promotion will not be the Coast Artillery and the Infantry, but will be the Artillery field service, the Engineers, the Ordnance, and similar branches of the military service, and I wonder not that those men who appeared before the Senate Military Affairs Committee or acted as advisers to the committee, whether they be captains, majors, or lieutenant colonels, were in favor of a provision that would greatly promote them and hold back other men in the various branches of the military service.

Mr. WADSWORTH. If the Senator will yield, I will state that I used it as an illustration.

Mr. HARRISON. It was a beautiful illustration; a most apt one.

Mr. WADSWORTH. But the Senator has placed a wrong interpretation upon it. The Coast Artillery officer to whom I referred will be held back under the provisions of our bill, and he thinks it fair that he should be.

Mr. HARRISON. Is the Senator sure, and can he tell the Senate that the Coast Artillery officer will be promoted by the passage of the single list?

Mr. WADSWORTH. No; he will not be; not by our provision for the single list.

Mr. HARRISON. Has the Senator investigated that proposition?

Mr. WADSWORTH. I have.

Mr. HARRISON. He is sure of that?

Mr. WADSWORTH. Yes.

Mr. HARRISON. I am reliably informed, by military experts who have studied it, that officers in both the Coast Artillery and the Infantry will be greatly promoted, and it will be officers in other branches of the service, namely, ordnance, the Engineers, and the Artillery field service, who will be delayed in future promotions if the bill should pass in its present form.

Mr. WADSWORTH. The three branches of the service which have secured advantage in the past by reason of special treatment from Congress have been the Engineers, the Field Artillery, and the Coast Artillery. The committee provision requires those men to wait until their contemporaries catch up with them.

Mr. HARRISON. That is afield of the question. Of course, the Infantrymen and the Coast Artillerymen would naturally be in favor of the provision. The Senator conscientiously believes that the provision for the single list is in the interest of fair play; that it will promote better feeling and a better spirit in the Army. I take a different view. I think it is not in the interest of fair play, and that it will create demoralization in the Army. If the Senator will bear with me, I will try to tell him why I so believe.

These men went into certain branches of the service not solely by election, but partly because they won the right to go into those branches. The Engineer Corps is reckoned to be a service which needs the very best officers in the Army. It demands men of the highest order of intelligence and special technical training. That is proven by the fact that when men graduate from West Point only those who make the highest grades, who graduate at the very top, are permitted to go into the Engineers. The next in order are assigned to the Artillery, and so on down the line. The Infantry, I believe, is the last in order. So these men when they go to West Point study hard, they train themselves, they prepare themselves in order to make the highest grade, so that they can go into the particular branch of the military service where promotion is naturally the fastest. So these men did not get into the Engineer Corps simply by election, but they won their places, and that over very hard competi-

tion. They have studied and worked hard in order to get into that particular branch. So it is with the Artillery.

These men have traveled faster, as the Senator from New York says, than those in the Infantry branch or some other branches of the service. Now, while the bill does not absolutely demote anyone, if that provision is adopted it will indirectly demote some, and it is for that reason that I do not believe it is in the interest of fair play, and it will demoralize those branches of the service which have been expecting promotion.

I have placed in the RECORD how many numbers the Engineers would lose by virtue of this single list. It will affect the Field Artillery in about the same proportion. An engineer who graduated in the class of 1903, if he was a major at the outbreak of the war, reasonably expected, because of the enlargement of the Army and the increased number of officers created, that he would find greater promotion. Ordinarily, without the adoption of this legislation, the men in those particular classes would be promoted, say, to the rank of lieutenant colonel in six weeks. With the bill passing, those men can not be promoted for five or six years. It operates as a stop watch, so to speak, and it is indirectly a demotion.

Mr. WADSWORTH. I want to ask the Senator if I understood him to say that there was an officer who within six weeks would be a colonel?

Mr. HARRISON. Not a colonel, but who would be a lieutenant colonel in six weeks, promoted from the grade of major, if the bill did not pass with the single-list provision.

Mr. WADSWORTH. Mr. President, let me remind the Senator that he will be a lieutenant colonel whether this passes or not, because the bill is to result in the expansion of the whole Army so much that every man who is close to the top in the list of majors in the Regular Army to-day can not help being a lieutenant colonel shortly after the enactment of this law.

Mr. HARRISON. Oh, yes; that is the way it ought to work, and that is the way one would expect it to work; but that is not the way it does work.

Mr. WADSWORTH. He would have his lieutenant colonelcy in any event.

Mr. HARRISON. Let me ask the Senator from New York——

Mr. WADSWORTH. But he would not be so close to a colonelcy.

Mr. HARRISON. No; a lieutenant colonelcy.

Mr. WADSWORTH. He would not go clear up through and land at the top of the lieutenant colonels, close to a colonelcy, but he would have to wait as lieutenant colonel until other majors of equal length of service caught up with him.

Mr. HARRISON. Suppose a major should have to wait two years or one year before he would become a lieutenant colonel under the operations of the present law, if the single list is adopted he might have to wait six or seven or eight years to be a lieutenant colonel. Is not that true?

Mr. WADSWORTH. Under any such case he would not wait that long. The provisions of the bill would force him up to a lieutenant colonelcy.

Mr. HARRISON. Is it the contention of the Senator that he would not have to wait at all, that he would not be retarded until all the other officers in the various branches caught up with him?

Mr. WADSWORTH. That particular officer would not have to. If he is up close to a lieutenant colonelcy now, the operation of the single list that we provide in the bill will not prevent him from becoming a lieutenant colonel in the future. He will go into it as a result of the increased numbers of officers in the Regular Army. We are doubling the number of officers.

Mr. HARRISON. I understand. It would appear to anyone that these officers would be promoted because you are doubling the number of officers, but in particular branches of the service you are holding them back until all the officers in every other branch catch up with them. That is what the Senator said in his remarks on last Saturday.

Mr. WARREN. Will the Senator yield to me?

Mr. HARRISON. I will ask the Senator from Wyoming a question before he asks me anything, because he was on the subcommittee, I believe. Did the subcommittee that drafted this provision in the bill have any military expert before them except one out of the Coast Artillery and one out of the Infantry? Did they have a single Engineer officer to testify before the committee and give his views?

Mr. WARREN. First, I did not serve on the subcommittee.

Mr. HARRISON. Then I withdraw the question.

Mr. WARREN. I was there incidentally as an outsider, and I was there often enough to know, with the great abundance of evidence that we had, that there were very many who gave their opinions as to the list who might be called experts.

As to the Artillery which the Senator mentioned, it is this way: The Artillery formerly was but 4,000, 5,000, or 6,000 at the outside, all told, and Coast and Field Artillery were all in one branch. Coast and Field have been since separated and enlarged three or four or more times as fast and as much, especially the Field Artillery, as the other branches. We attempted, but it did not seem to bear the fruit that it ought to have done, to take into the Field Artillery, for instance, some of the officers from the other lines, such as Infantry and Cavalry, but that attempt was not successful, and the result was that the Artillery officers went up from second lieutenants to majors, while officers in the Infantry, equally good, equally patriotic, by reason of their nonincrease, remained as first lieutenants or possibly captains.

Speaking of the men whom the Senator mentioned as being held back, look where other men have been held back in other branches of the service. If they had increased the Infantry as fast as the Artillery it would have been just the same all along, of course; but with the legislation that we had, great hardship has been placed upon those men in the service. In the Cavalry, for instance, it was even worse.

Mr. HARRISON. May I ask the Senator in that connection, was he not chairman of the Committee on Military Affairs at that time?

Mr. WARREN. I was not chairman at that time.

Mr. HARRISON. Then was he not one of the most influential members of the committee when they made it possible for these men in these particular branches to obtain this promotion? And if it is such an outrage now, why did not the Senator see it as an outrage then?

Mr. WARREN. The Senator in the first place is rather hasty in that conclusion. At one time, a long time ago, I was chairman of that committee. I think one small advance in the Artillery was made then, and we expected that other branches would soon be raised comparatively with that, and so it drifted along until the years have passed, and that, like a good many other things, got moss-grown; but the fact remains, just the same, that it is an unjust thing to take one branch of the Army and leave it where it stands and take other branches and move them up and not consider the rank of those officers attached to the various branches.

Mr. HARRISON. Does not the Senator's committee here do that same thing with the Medical Corps and the chaplains, and was it not done by the chairman of the Senate committee last Saturday when he had five colonels added to the Judge Advocate General's office and made it retroactive?

Mr. WARREN. The Senator speaks of the Medical Corps. The Senator knows, of course, that it is entirely apart in many ways from the balance of the Army in that promotion there is according to years of service. That is another plan that has been presented heretofore to committees of Congress, to see whether all Army promotions, line and staff, should not be made in that way. It has been made in that way only in the Medical Corps, and it has been that way for a great many years in the Medical Corps.

Mr. HARRISON. I understand.

Mr. WARREN. They require there additional education in medicine, chemistry, and surgery. As to the chaplains, it has been and is yet a sort of prerogative for the Executive to appoint men from civil life, and it was only very lately that there was any promotion there at all. They went in as captains, remained as captains, and went out of the service as captains; but of late years there has been some promotion provided for them.

Mr. HARRISON. By an amendment adopted at the instance of the Senator from New York [Mr. WADSWORTH] last Saturday provision was made for five new colonels in the Judge Advocate General's office, and the first part of that amendment reads:

> Immediately upon the passage of this act the number of colonels in the Judge Advocate General's office shall be increased by five, and the vacancies thus created shall be filled by promotion as heretofore provided by law.

Mr. WARREN. That is another branch. In the Ordnance branch it has been provided that preferment could be permitted in the lower grades because of the superior education they must have in that technical line.

Mr. HARRISON. Ordnance is taken up and put on the single list here.

Mr. WARREN. The Senator is a lawyer and he knows now whether it would be well to put in too many second lieutenants in law or whether to draw from civilians men who have that good abundance of experience and knowledge which can be made useful to the Army.

Mr. HARRISON. If the Senator suggests a question to me like that I will state to him that I would see no objection in the world to the single list. I can understand how in years to come it might bring about a better feeling in the Army, but I am not in favor of passing a retroactive law; I am not in favor any more of that than I am in favor of passing an ex post facto law. If you are going to have a single list, I think you ought to apply it from the passage of the act, and then list your men and let them start in the various branches from the day the bill becomes a law, making no exceptions, not in the Judge Advocate General's office, not in the medical branch, nor among the chaplains of the Army. If you are going to have a single list, have one, but put them all there, but do not go back and affect men who have worked for 20 years in their particular branch in order to get these promotions and then retard them—hold them back—until everyone else in every other branch catches up.

Mr. WARREN. I will ask the Senator if he happened to be in the Chamber on Friday when I read a letter here?

Mr. HARRISON. Yes; I read that letter; and I can read two dozen on the other side.

Mr. WARREN. I have not only a dozen, but many dozen, in the last two or three years, even before this matter came up in the shape it does now; and there are 10 to 1 who write to me in that way, a great many of whom have suffered severely and suspected what was coming; and they know where the penalty—if you term it such—is going to fall if a single list prevails.

Mr. HARRISON. If one who is going to be adversely affected by it, as in the Engineers, or in the Field Artillery, or in the ordnance, should write the Senator and say he is in favor of the single list because of its effect on these men, he is a curiosity, and I should like to see such a letter as that.

Mr. WARREN. I will say to the Senator that the Army as a class is perhaps no different from any other class of people. Everyone in it would like the law so that it would benefit him particularly, but, of course, it is not possible to fix things so that all of them may have exactly what they want, because if they had, the man with the advantage of this minute would be given a further advantage, while the one who suffers a disadvantage at present falls back further and is more dissatisfied.

Mr. HARRISON. The Senator understands my position. All my amendment does is to provide, if they fix a single list, that it shall be done from the passage of the bill, and then made to apply from that time. What the Senator proposes to do is to go back, and every man that is affected in his climb for promotion is retained until all the other fellows in relative rank catch up. That is the main difference.

Mr. McKELLAR. There is one exception. There are 150 Spanish War veteran officers who were discriminated against then, and they are not provided for in the bill.

Mr. HARRISON. They ought to be.

Mr. McKELLAR. The discrimination still exists under present laws.

Mr. HARRISON. They ought to be provided for.

Mr. WARREN. Of course, the Senator remembers what happened after the Civil War. Men who had been major generals went into the Regular Army as captains and below that rank. It was not considered any backward step or any discouragement particularly, as they had been volunteers and liked the Army life; but they were not put in, because they had been major generals, over men of the Regular Army. They went to the foot of the list. These Artillery officers have had an advantage—I will not say unfair advantage, because they did not make that advantage themselves. Nevertheless it would be unfair if now, when we have the opportunity to arrange a reorganization, we did not adjust what resulted somewhat as an unfairness to these other men in other branches; and to continue this promotion straight from to-day would leave a greatly preferred class, affecting unfavorably other officers who have fought just as valiantly and were just as good soldiers.

Mr. HARRISON. I understand the Senator from Wyoming to think that this will be unfair to certain men in the Army—the adoption of the single list with its retroactive features.

Mr. WARREN. I believe the Senator must agree with me that in legislation we must consider the greatest good to the greatest number. I contend that there is no way known yet to the members of the Military Committee of long service whereby we can start on a general reorganization that some officer from his standpoint does not think that he has been legislated against. I was like the Senator when the matter first came before the committee in early times, and it took me some time to study the situation and become convinced that the one list was the way; and ever since then, in a further study of it without prejudice at all, because I have no interest in anyone who could possibly be affected by it, I have decided in my own mind that this is the nearest of all propositions to absolute equity and fairness to the officers.

Mr. HARRISON. Does not the Senator think that in putting this legislation upon the statute books it would be fairer for us to date the application of the single list from the passage of the act, so that these unfair practices or unfair promotions in various branches might then be eliminated; that it would cause much less demoralization and would help the situation very greatly? The other policy compels you to go back and take away from a very deserving class those things that they have very rightly earned.

Mr. WARREN. We take away nothing. On the other hand, if we do what the Senator suggests, if we take away anything now we would take away dozens where one is taken out otherwise, but in neither case are we taking anything away.

Mr. HARRISON. The Senator and myself just disagree on that. I think when a man has worked his way for 20 years in the Army, and chosen one particular branch of the Army and was admitted in that branch because of his peculiar qualification and singular fitness, because of his training and the high marks he made at West Point, where before the war started he knew in a certain time he would be promoted to the rank above, we should not now go ahead and clip his wings and destroy his hope and break the promise we have held out to him, and say that he must hold that same rank for years yet to come. It looks to me as if it is the same as if a merchant should employ a man in his store and say, "I will give you for the first year $100 a month, the second year $150 a month, the third year and each year thereafter a $50 a month increase," and at the end of three years, when the man knew and expected that his salary should be increased, the merchant should say, "No; you can not get any more increase; I am going to hold you back until all the other men in my employ catch up with you in salary."

Taking not into consideration the peculiar qualifications he has or the kind of service that he is rendering, he is held back merely in order to let the other officers catch up. That is what is proposed in the bill. Certain opportunities were given to the Engineer Corps; certain requirements were laid down for them, and they were told that they would be promoted within a certain time. The Senator from New York shakes his head; but throughout the country, I dare say, there are officers in the Engineer Corps who before the war, around their firesides at night, talking to their wives, were laying plans to build some home or to make some investment, on the theory that at a certain time they would be promoted and get an increased salary. They laid their plans; they made their investments, and they expected the Government of the United States to keep its promises. Here, however, at this time there is brought in an Army reorganization bill in which the promise made to them is broken; they are held at the same rank, and, of course, they may not meet their obligations. When you let the single list apply from the passage of the act then you take away from the men in the Infantry or the other branches not something that they did not have, but, if it is made retroactive, there will be taken away from the artillerymen and the engineers those things that they expected and which under the law they acquired.

This is the first time in the history of the country that such legislation has ever been attempted to be passed which is retroactive in its features. In the nineties a provision was enacted somewhat along this line, but it was made to apply from the passage of the act; there was not put into it retroactive features that took away from men those things which they had acquired from their Government.

Instead of bringing about a better spirit in the Army, as the committee no doubt expects it will, as no doubt was stated by officers in the Infantry and the Coast Artillery, on whose advice and suggestions the Senate Military Affairs Committee relied, it seems to me that it will create demoralization in the Army. It is all wrong.

How can an officer in the Engineer Corps or in the Artillery who, under the promotion plan that has been approved by the Government in the past and which he expected to be permanent, has built his hopes have very much enthusiam for the service when you stop him by the passage of this bill and say, "Hold on, old boy, wait until everybody else in the Army in your rank catches up with you"? A better feeling would be created, it seems to me, if the single list were applied from the passage of the act and its retroactive features were eliminated.

Recently I read in one of the Army and Navy journals that an officer in the Marine Corps was tried by a court-martial and was reduced in rank 10 numbers. In the Marine Corps that is, perhaps, thought to be very severe punishment; and yet the tabulation which I presented to the Senate on Friday last, and

which is in the RECORD, shows that while officers who are now majors will not actually be reduced in rank, they will be retarded from advancement until indirectly the result will be in some instances a demotion not of ten numbers but of eleven hundred numbers.

It seems to me, Mr. President and Senators, that in passing this bill we sit here as a court-martial. Officers are on trial to-day in the Engineer branch of the service and in the Artillery branch of the service, and they are not even allowed to be heard.

The committee had none of them before it in order to get their viewpoint, but they had the General Staff, perhaps, to send some one down; and there came infantrymen and coast artillerymen, but no Engineer officer presented his claims to the committee; and yet by the passage of the bill we practically court-martial these officers and cause their demotion by a thousand numbers. You are passing sentence on them, and you are not allowing them even to file a plea or be heard.

If it is desired to promote the morale of the Army, if a better spirit and more enthusiasm are desired, let us apply the single list, but make it prospective, not retroactive. My amendment will accomplish that end and nothing more than that, so that from the passage of the bill a single list will be provided for without the retroactive feature.

Mr. WADSWORTH. Mr. President, I can not agree with the Senator from Mississippi about the injustice which he contends is going to be done by this legislation to some officers in the service. Take the very cases to which he refers. He says that those officers have worked their way to their present rank. That I can not concede. They have not worked their way to their present rank. Their present rank has not been earned; it has come about by reason of the fact that Congress, with no regard whatsoever to promotion or its problems, has created vacancies in the branch of the service in which these officers were serving, and they have automatically moved up into those vacancies. It can not, therefore, be said that they have worked their way to the rank which they now hold.

The committee wants that condition stopped. That practice has kept the Army divided into cliques for years and years. Each branch would come to Congress and try to get itself expanded. As Gen. Pershing said in his testimony, the average Army officer goes around with a reorganization Army bill in his pocket, generally for the purpose of reorganizing his own branch of the service and in such way that he will get promotion. That is just what has been done in the past, and the officers to whom the Senator from Mississippi refers are the very officers who have profited by that system.

The Senator from Mississippi constantly refers to the Coast Artillery officer who advised us on some of the technical details of the single list. That officer suffers by it in the same way as is described by the Senator from Mississippi, but he is man enough to say that he has had an unfair advantage over his colleagues; that there is no reason why he should reach his colonelcy so far ahead of officers of equal merit and of equal length of service, and that he can get to the grade of brigadier general before they will have a chance even to be colonel.

Mr. HARRISON. What is he now, a colonel or a major?

Mr. WADSWORTH. He is a captain now.

Mr. HARRISON. On the General Staff?

Mr. WADSWORTH. No.

Mr. HARRISON. Is he not working under the General Staff?

Mr. WADSWORTH. No; he did not come from the General Staff to us at all.

Mr. HARRISON. Then I misunderstood the Senator.

Mr. WADSWORTH. I never said he came from the General Staff.

Mr. WARREN. Mr. President, if the Senator will yield for a moment, regarding the Coast Artillery——

Mr. WADSWORTH. They have had the same expansion that the Engineers have had.

Mr. WARREN. Yes; and the letter which I read here on Friday last was from a Coast Artillery officer who has had no staff promotion but has simply been in the field at all times. He loses many files, but still asks us to keep the line and the staff on a general list.

Mr. WADSWORTH. As I recall, the Field Artillery is the branch which has received the best treatment of all.

Mr. WARREN. It has.

Mr. WADSWORTH. There are men serving to-day as majors of Field Artillery whose contemporaries are at the foot of the list of captains of Infantry; there is a spread of nine years between them. Those Field Artillery officers have not earned, they have done nothing to merit, that promotion, but it is because the Field Artillery was expanded by Congress, so that vacancies were created and they moved up.

The House committee has a provision in its bill identical with that in the Senate committee bill without the amendment of the Senator from Mississippi; and the Chief of Field Artillery, Gen. Snow, who certainly has the good of his branch of the service in mind, appears before the House Committee on Military Affairs and says that he is in favor of the single list as provided in the pending bill, even though the Field Artillery officers will have to pause for a while and let their colleagues catch up with them.

The trouble with the amendment of the Senator from Mississippi is that it will not do away with the discontent in the Army to-day, but it will perpetuate for 20 years by act of Congress the inequalities that exist to-day.

The Congress has never before legislated on this matter of promotion for the Army at large. Prior to this time, and at this time, promotion has run and it is now running inside the branches of the Army. Infantry officers are promoted inside the Infantry branch, and the Cavalry and the Field Artillery and all the other branches are promoted in the same way. If we establish by law a single list governing promotions and provide the initial single list from which it will all start, as we propose to do, and then put in the amendment of the Senator from Mississippi, we are going to put officers of the Field Artillery, of the Engineers, and of the Coast Artillery forever ahead of their colleagues by act of Congress, and their colleagues of equal service and of equal age will never be able to catch up with them; in other words, we shall have crystallized the abuse in the statutes.

The Senator from Mississippi talks about the morale and contentment in the service. I leave it to the common sense of Senators what effect such a provision would have. It would mean that it would be perfectly hopeless for an officer to secure promotion whose branch has not been influential enough in years gone by to get expansion by acts of Congress; it would destroy the whole thing and we would not have a single list for 20 years.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. I will be glad to yield.

Mr. LODGE. I ask the question to ascertain if I understand the situation. Did the expansion acts of which the Senator has been speaking give anything resembling a guaranty as to what should be done in the year 1920?

Mr. WADSWORTH. Not at all; nothing has been guaranteed these officers.

Mr. LODGE. Precisely. Then, as I understand, all they lose is something in the future.

Mr. WADSWORTH. Undivided profits.

Mr. LODGE. No; not undivided profits, for profits that are undivided have been made.

Mr. WADSWORTH. Prospective profits.

Mr. LODGE. Yes, prospective profits; that is what they are losing; they are losing a hope, an expectation in the future.

Mr. WADSWORTH. Yes.

Mr. LODGE. Is it possible that a law can be called retroactive because it deprives a man of a hope in the future?

Mr. WADSWORTH. I do not think so.

Mr. LODGE. I wanted to see if I had the matter clearly in my mind.

Mr. WADSWORTH. I think the Senator has hit the nail exactly on the head.

Mr. LODGE. For in that case, then, all laws similar to the one now proposed would become ex post facto laws, so that after a corps had once been expanded the law could never be altered, because hope would be taken away, and by the establishment of a single list ultimately these officers would lose their prospective profits.

Mr. WADSWORTH. Exactly. My hope and prayer is, let me say to the Senator from Massachusetts, that we will provide for a single list, place it on the statute books, and stop the lobbying that has been going on. Congress will never be free from lobbying on the part of the different branches of the Army until we put all the officers in the Army on one single list for promotion. If we provide for it in such a way as to perpetuate the injustices of to-day, we shall have caused more damage than good.

Mr. LODGE. I agree with the Senator. In the past I have served on the Committee on Military Affairs, and it seemed to me then, as it seems to me now, that a single list was very needful. At every session of Congress almost there is some group of officers lobbying to enlarge their particular branch, so that they may secure promotion ahead of their fellows. They have succeeded in one or two instances—perhaps in two or three—because of the fact that an enlargement of a particular corps became necessary. The result is that injustice has permeated the

entire Army, so that we have officers of different length of service with conflicting promotions, with conflicting rank, and officers who ought to have the same rank are separated, perhaps as the Senator has said, as I recall, by as many as nine years——

Mr. WADSWORTH. Nine years.

Mr. LODGE. By the accident of legislation or by lobbying. If anyone wants to know concerning the lobby on this bill, he has nothing to do but to look at the corridors of the Capitol when this bill is up.

Mr. WADSWORTH. Mr. President, speaking about justice, these men in the Field Artillery and the Engineers and the Coast Artillery have had this advanced rank coming to them not by competitive examinations, not by competing with other officers of the same age and the same length of service—they have had it coming to them by accident. They have had increased pay all these years over their fellows; they have had better quarters in the Army posts; they have outranked their fellows and enjoyed all the privileges of higher rank. They have had no moral right to it; it has simply come to them in this accidental way. Now, it is contended that it will be an act of injustice to ask them to wait a while until their colleagues can enjoy the same advantages, to have an equitable arrangement by which men can go up through those grades and overtake their classmates who graduated on the same day from West Point and then go on along with them.

This bill, as a matter of fact, is going to expand the commissioned personnel of the Regular Army so greatly anyway that, regardless of this single-list promotion, none of these officers to whom the Senator from Mississippi has referred are going to be retarded very long. All of them will reach higher grades at an earlier age than they ever expected when they went into the Army originally.

Mr. PITTMAN. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Nevada.

Mr. PITTMAN. I do not know whether I understand the statement of the Senator—I doubt it—but I am asking the question simply for information. I understand that each branch of the service is supposed to have a certain force for efficiency and to balance the Army, and that to that force, for the purpose of efficiency, are allotted so many officers of various ranks. Take the Engineers, for instance. I do not know how many colonels they now have in the Engineers. Possibly the Senator can suggest the number, approximately.

Mr. WADSWORTH. I can not remember. There is no limit to the number they may have under this bill.

Mr. PITTMAN. We will assume, however, just as a hypothetical case, that a vacancy should come about in the Engineers by reason of resignation or death or otherwise of all of the colonels, or a sufficient number so that it would be necessary, for the efficiency of the Engineers, to replace them with colonels. From what source would they be provided under your bill?

Mr. WADSWORTH. From the rest of the Army or the detached officers' list.

Mr. PITTMAN. Where would you get your Engineers from? Would you take an Infantry officer and place him as a colonel of Engineers?

Mr. WADSWORTH. Undoubtedly, throughout the whole body of the Army it would be possible—there is no question about it—to find an officer who was competent to do engineer duty.

Mr. PITTMAN. That is the theory?

Mr. WADSWORTH. That argument never has been used by Engineers in discussing the single list.

Mr. PITTMAN. I am not using it as an argument. I was just wondering whether, in this peculiarly technical service of the Engineers, if it became necessary for the good of the service to find colonels, instead of promoting a lieutenant colonel or major, you would go into the Coast Artillery or the Infantry for that purpose, and, if you could not find competent men there, still under this law you would not be able to promote competent men in that particular branch.

Mr. WADSWORTH. I think that is a state of affairs that never can come about. That was all discussed by the committee. We studied that just as thoroughly as we could, with charts and illustrative diagrams, and the study showed that in the event of a vacancy occurring, we will say, in the grade of lieutenant colonel, by reason of the death of a lieutenant colonel of Engineers, if the next Engineer officer in the corps was not of sufficient rank on the promotion list to step into the shoes of the lieutenant colonel who had died, without the slightest doubt an officer from one of the other branches or the detached officers' list who stood next on the general single list for promotion could be promoted into the grade of colonel, and a transfer made from another branch to take the place of the man who died in the Engineer Corps.

Remember, we have 17,000 officers from whom to find one man to fill such a place, and it is inconceivable that you could not do it. Of course, as a matter of fact, officers are to-day transferring back and forth among the branches. Many officers transfer from Infantry to Ordnance, and from Ordnance to Cavalry, and from Field Artillery to Coast Artillery. There never has been any trouble, with the limited number of transfers that we have, in finding men to fit into the right niche, and I do not think we have anything to fear of not being able to fill places in the Engineer Corps or any other corps.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator a question. He said a moment ago that if the proposed amendment of the Senator from Mississippi [Mr. HARRISON] were to become law, it would retard the practical working of the single list for 20 years.

Mr. WADSWORTH. Yes.

Mr. SMITH of South Carolina. The Senator means to say that the number that are now engaged—let us say, for instance, in the Engineer Corps—are sufficiently in line of promotion that if this were not retroactive they would still continue to act under the practical effect of the present law for 20 years?

Mr. WADSWORTH. Yes. The injustices would not terminate until about 20 years, because a lot of these men have a considerable length of time to serve before they become 64 and are retired, and they would hold that advantageous place upon the promotion list of the entire Army until they retired. They would be on top of everybody else, and they would be there by act of Congress legislating directly on the promotion problem.

Mr. SMITH of South Carolina. So that the effect of the bill, unamended, is to arrest all promotion except along the single line, so that those that are eligible for promotion from every branch of the service may be promoted to a higher rank regardless of the division of the Army in which they are?

Mr. WADSWORTH. Absolutely.

Mr. HARRISON. Mr. President, will the Senator from New York yield?

Mr. WADSWORTH. Yes.

Mr. HARRISON. The Senator says that these injustices will play a part for 20 years to come, and that it will be by an act of Congress. That is what I understood him to say.

Mr. WADSWORTH. That is, if the amendment is adopted.

Mr. HARRISON. These men occupy their advanced places by acts of the Congress, do they not?

Mr. WADSWORTH. Not an act of Congress affecting promotion directly.

Mr. HARRISON. Well, by act of Congress that created the branch or enlarged the branch and made it possible for them to be promoted?

Mr. WADSWORTH. The promotion system at the time the branches were expanded was vicious in itself. There never should have been that kind of a promotion system—promotion by a lineal list inside of a branch—and its viciousness was simply accentuated and illustrated by the effect on promotion of the acts of Congress increasing the number of officers and men in the Field Artillery, or the Coast Artillery, or the Engineers. Those acts were not acts changing in any way the system of promotion, but this bill is an act changing the system of promotion; and if we insert the Senator's amendment in this act, which is to establish a new system of promotion, we will have perpetuated the injustices of the old system for several years to come.

Mr. HARRISON. May I ask the Senator whether he would change the rule at West Point touching those men who are highest on the list for graduation, that they shall enter a certain branch of the service—the Engineers, for instance, and the next on the list the Artillery, and so on?

Mr. WADSWORTH. No.

Mr. HARRISON. What incentive will there be for these young men who attend West Point to strive and study and train themselves in order to make the highest place, if there is no particular inducement held out to them; in other words, if the single list applies?

Mr. WADSWORTH. My opinion is that the legitimate inducement of the cadet at West Point is to join that branch of the Army where he can render the best service to his country.

Mr. HARRISON. Yes.

Mr. WADSWORTH. But not try to join the branch where they can get the most money in the shortest time.

Mr. HARRISON. They join the Engineers, because their authorities thought they would be more proficient there than in any other branch.

Mr. WADSWORTH. Very well; I have no objection to that; but I do not think they should join the Engineers on the theory that that is the place where they are going to get the biggest pay. On that theory, no one would join the Infantry under the old system.

Mr. HARRISON. Has that been the theory?
Mr. WADSWORTH. I hope not. I think not.
Mr. HARRISON. I think not, too.
Mr. WADSWORTH. I want to make promotion in the Engineers and in the Artillery and in every other branch of the service run along in a uniform manner, with no discriminations between them.
Mr. HARRISON. I think that is perfectly all right if you will make it apply from the passage of this bill, so that it will not go back and affect these people in the past.
The VICE PRESIDENT. The question is on the amendment of the Senator from Mississippi [Mr. HARRISON].
Mr. HARRISON. I suggest the absence of a quorum.
The VICE PRESIDENT. The Secretary will call the roll.
The roll was called, and the following Senators answered to their names:

Brandegee	Jones, Wash.	Nugent	Smoot
Chamberlain	Kendrick	Overman	Sutherland
Curtis	Kenyon	Pittman	Townsend
Dial	Keyes	Pomerene	Trammell
Frelinghuysen	Kirby	Ransdell	Wadsworth
Glass	Lenroot	Sheppard	Warren
Harris	Lodge	Smith, Ariz.	Wolcott
Harrison	McNary	Smith, Md.	
Jones, N. Mex.	New	Smith, S. C.	

The VICE PRESIDENT. Thirty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.
The Reading Clerk called the names of the absent Senators, and Mr. DILLINGHAM, Mr. THOMAS, and Mr. WATSON answered to their names when called.
Mr. KELLOGG, Mr. KING, Mr. MCKELLAR, and Mr. HALE entered the Chamber and answered to their names.
The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.
Mr. WADSWORTH. Mr. President, I doubt our ability to get a quorum at this hour, and I move that the Senate adjourn.
The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 20, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 19, 1920.*

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We would abide with Thee, our Heavenly Father, in the sacred attitude of prayer before entering upon the duties of the hour, that we may receive new inspiration and strength to sustain us.
I am come, said the Master, that ye might have life and that ye might have it more abundantly.
To live, to think, to will, to do things worth while, is the larger life; and so we pray for that life, that we may be with Thee, live with Thee, for Thee. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, April 17, 1920, and of Sunday, April 18, 1920, was read and approved.

COTTON.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from Gov. Elect John M. Parker, of Louisiana, on the Comer amendment to the Agriculture bill. Gov. Parker is an experienced planter and merchant, and I regard his opinion as of value.
The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?
There was no objection.
The letter referred to is as follows:

NEW ORLEANS, *April 13, 1920.*

Hon. L LAZARO,
House of Representatives, Washington, D. C.

DEAR DR. LAZARO: From what I understand of the Comer amendment, it provides that at least 50 per cent of any cotton tendered for delivery on contract in the New York or New Orleans markets shall be middling or above, the remainder to be of any other of the standard grades, at option of deliverer. This would tend to restrict the quality and character of cotton that is tenderable on contract, and would naturally handicap the deliverer and benefit the receiver. The result would be a contract more favorable to the spinner and possibly less favorable to the producer. It would probably enhance the value of the contract as compared with the spot basis.
Any further restriction as to the kind of cotton that may be delivered on contract will naturally make that much less ready outlet for the producer.
Owing to the wide margin between the raw material and the finished product, and also labor conditions, spinners have found it to their advantage during the past few years to use only the better grades of cotton and have neglected the lower grades. The higher grades no doubt permit them to obtain a greater production in a given time and is more profitable to them. The discount on the lower grades—for instance, 3 cents below middling for strict low middling and about 8 cents below middling for low middling—seems rather excessive. In the crop of 1919–20 there is a great quantity of low-grade cotton, which spinners show little inclination to use, notwithstanding the big discounts at which such qualities are offering, and the greatest assistance that could possibly come to the cotton producer would be some means of stimulating a demand for the low grades. The contract market at the present time represents the value only of good grade white cotton, and so far as the contract market is concerned the lower grades of good sound cotton, say good ordinary and strict good ordinary, fair color, as well as low and strict low middling, spotted, off-colored, and light tinged, all of good spinnable value, might just as well not exist.
Thanking you for your kindly letter and with kind regards, I am,
Very truly, yours,
JNO. M. PARKER.

APPOINTMENT OF A SPEAKER PRO TEMPORE.

Mr. GARRETT. Mr. Speaker, I do not know that what I have to say is exactly a correction of the RECORD, but if I may be indulged for a moment I desire to call attention to the fact that on Friday last a resolution reported from the Committee on Rules amending the rules of the House was adopted which I fear, by implication, might go further than was intended. Section 7 of Rule I reads as follows:

He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment: *Provided, however,* That in case of his illness he may make such appointment for a period not exceeding 10 days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment the House shall proceed to elect a Speaker pro tempore to act during his absence.

There was reported from the Committee on Rules a proposition which amended the first part of the rule, and in the RECORD of Friday, April 16, 1920, it reads:

Resolved, That section 7 of Rule I be amended so as to read:
"He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days."

It ends there and does not contain the proviso. By implication that might repeal the proviso in the rule. That, of course, was not desired or intended. I therefore ask unanimous consent that section 7 of Rule I may be so amended as that it will read:

He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days: *Provided, however,* That in case of his illness he may make such appointment for a period not exceeding 10 days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment the House shall proceed to elect a Speaker pro tempore to act during his absence.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to amend the rule in the manner suggested. Is there objection?
Mr. CAMPBELL of Kansas. Mr. Speaker, I have no objection and, indeed, that was the intention of the Committee on Rules. It was not intended that any modification should be made except that the first clause should be amended substituting three days for one. I am very glad to have the gentleman from Tennessee call attention to it.
Mr. GARRETT. I trust the gentleman from Kansas will pardon me for injecting myself into the matter at this time. I looked for the gentleman from Kansas, but did not see him on the floor, and thought that this should be corrected at once.
The SPEAKER. Is there objection?
Mr. BLANTON. Mr. Speaker, reserving the right to object—and I shall not object—I just want to mention the fact that it takes Democratic assistance to carry out Republican intention.
Mr. CAMPBELL of Kansas. It is very clear that it was intended that this first clause only should be amended, and this is merely an interpretation of that intention.
The SPEAKER. Without objection, the amendment will be agreed to.
There was no objection.

OKLAHOMA.

Mr. HOWARD. Mr. Speaker, April 22 is the anniversary of the beginning of the construction of the great State of Oklahoma. I ask unanimous consent to address the House on that day, immediately after the reading of the Journal, for 20 minutes, on the subject of Oklahoma, its agricultural resources and prospects.
The SPEAKER. The gentleman from Oklahoma asks unanimous consent that on April 22, immediately after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House for 20 minutes on the subject of Oklahoma. Is there objection?
Mr. LITTLE. Mr. Speaker, reserving the right to object, is that the day when the governor was originally inaugurated for the Territory?

Mr. HOWARD. No; that is the anniversary of April 22, 1889, the opening of the first part of Oklahoma's white settlement.

The SPEAKER. Is there objection?

There was no objection.

BILLS RESPECTING A BONUS FOR EX-SERVICE MEN.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. Do I understand the rule correctly, that all legislation proposing bonuses to soldiers shall go to the Committee on Ways and Means?

The SPEAKER. That is the rule.

Mr. LITTLE. I introduced some legislation of that kind some time ago, which was inadvertently sent to the Committee on Rules. I am offering some more legislation now, and I hope that rule will be followed in its reference. I wanted to be sure that I was not mistaken.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. The Calendar for Unanimous Consent is in order to-day, and the Clerk will call the first bill.

AQUEDUCT BRIDGE, POTOMAC RIVER.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 10328) to amend an act approved May 18, 1916, entitled "An act to provide for the removal of what is known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in the place thereof."

The SPEAKER. Is there objection?

Mr. ESCH. Mr. Speaker, in the absence of the gentleman from Virginia [Mr. MOORE] I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

MILITARY PARK, PLAINS OF CHALMETTE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5918) in reference to a national military park on the Plains of Chalmette, below the city of New Orleans.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object.

Mr. O'CONNOR. Mr. Speaker, when this bill came up several weeks ago it was objected to, and in accordance with the rules controlling or governing the Unanimous Consent Calendar it was stricken therefrom, but was restored in hopes of a happier fate on a better day. I thought, in view of the sentiment that is inseparately associated with the Plains of Chalmette and the magnificent victory achieved by American arms down there on January 8, 1815, that I would again place it before the House, in the hope that I might be as successful as the old woman in the beautiful story of appealing to Philip. I dare say that you know it, but I will tell it again, for sometimes a story carries more conviction than all of the logic in the world, and a good story like this immortal classic may be told any number of times.

I know you all remember it. It is the story of the old woman who said, when Philip turned her down curtly, "I will appeal, sir, from that decision," and he said in a very ironical tone, "Appeal, madam; to whom?" Her reply was, "I will appeal from Philip drunk to Philip sober." I do not mean that any of the gentlemen who objected to this bill were intoxicated with passion or otherwise, but I thought I would appeal to them in a more generous mood to-day and get them to consider the splendid sentimentalities and all that lies behind this really magnificent work of the Colonial Dames and other great historical societies down there in Louisiana who are endeavoring to perpetuate the glories of a conflict which I thought would never fade away from America's mind. I say with all the feeling I am capable of, Mr. Speaker, that when I introduced this bill and saw it come to the floor with a favorable report, I thought that every Member of this House would gladly approve of it, for you know that that was the one great conflict that redeemed the War of 1812 from unparalleled calamities and catastrophies, which terminated in a national miserere—the burning of this Capitol. That battle down by the levees of the Mississippi gave joy to every child in the United States of America after gloom had hung over this country. It brought again renewed hope into the minds of our men and women. It is inseparably associated with all that is great in the martial chapters of this country and inseparably connected with the fame of the men who left Kentucky, Tennessee, and what is known now as Mississippi, and went down 1,200 miles and arrived in New Orleans, ragged and in their bare feet, and fought the most memorable contest in that section of the country, and, according to the best historians, maintained the Louisiana Purchase forever, and freed it from legal and diplomatic dispute, kept all of that part of America west of the Mississippi for future admission into this Union, and made possible, of course, that which lies beyond the west of it. [Applause.] My friends, that battle brings you back to the early pioneer days, before the "Days of old"; "Days of gold"; "Days of forty-nine." It carries you back to the days of the raft, when there were only one or two steamboats on the Potomac and Hudson and none on the Mississippi. When there were no railroads and no highways, when men came down largely by their instincts than by compass, and fought out that great and splendid battle which shall be written across the hearts and minds of all Americans, under circumstances and conditions that ought to thrill the heart of America until the last chapter is written in her history.

Mr. DYER. Will the gentleman yield?

Mr. O'CONNOR. Yes, sir.

Mr. DYER. I do not think there is any question as to the historical aspect nor what a splendid thing it would be to establish such a park, but will the gentleman tell us what amount of money will probably be involved in the enactment into law of this bill?

Mr. O'CONNOR. There will be no money involved in the enactment of this bill.

Mr. DYER. Section 4 says——

Mr. O'CONNOR. If the gentleman will pardon me, I intend to propose an amendment striking out all after the period in line 10, which would leave it a direction, pure and simple, to the Army engineers who are already in New Orleans, engineers on the Mississippi River Commission to make a survey of the field on which was fought the Battle of New Orleans, and report back to the Congress. The House has ordered, I understand, the survey of rivers, one of which the gentleman from Texas [Mr. BLANTON] said he could jump across. I submit, fellow Members, that sentiment should not be lost sight of altogether, even in this prosaic age. [Applause.] I dare say, with all the feeling I can summon to my aid that Jackson and Chalmette, the Leonidas and Thermopylas of our country, should be in mind of the Members in the consideration of this bill.

Mr. BEE. Will the gentleman yield?

Mr. O'CONNOR. I will.

Mr. BEE. Let me ask the gentleman, and in response to the suggestion of the gentleman from Missouri, is it not true that the Engineer Corps of the United States Army is so thoroughly equipped and organized with its present organization that they can make this examination and report back in the near future the necessary facts without really any expense to the Government?

Mr. O'CONNOR. The expense would be absolutely negligible. I say, gentlemen, that it would not do anything other than to give to the Congress the necessary information upon which it may at some time in the future act. As a matter of fact, the bill carries with it or the apparent disposition of the House is a Kathleen Mavourneen suggestion, "It may be for years, and it may be forever." No one can tell when Congress will act upon the information conveyed. It must have the information sought before any other legislation can be considered. There is no way of telling or declaring when such a bill will come before the House.

Mr. SNELL. Will the gentleman yield?

Mr. O'CONNOR. I do.

Mr. SNELL. Of course, if these engineers should make a report and it was favorable, the gentleman would expect to come back and ask Congress to act upon that favorable report?

Mr. O'CONNOR. I would say to the gentleman from New York, who has been so courteous in reference to this whole matter, to me, that I sincerely trust that I may have the privilege of coming back here to do noble things for the people whom I now represent; but not knowing whether I will come back or not, I must answer I do not know what I will do. If I thought the exigencies required it, that there was a great demand for economy, even if there were a favorable report, I would bow in submission to the demands of the time. I would not press any further legislation. That is my answer.

Mr. SNELL. Would the gentleman think it was a good time now to enter upon such a proposition of establishing parks throughout the country that eventually will cost at least $500,000 apiece?

Mr. O'CONNOR. I do not believe we should embark upon that program at the present time; but this bill does not contemplate any such expenditure. It merely calls for a survey, the expense of which would be insignificant. It merely lays a foundation on which Congress may or may not build or construct a park.

Mr. SNELL. That has been my objection in considering this bill at this time. I appreciate the statement that the gentleman has made, and I agree with him up to a certain extent, but it does not seem to me that under the present condition of the Treasury it is right for this Government at this time to go on record as recognizing the possibility of establishing national parks at such a great expense as this will eventually cost.

If we take the initial step, then the next man, whether it is yourself or some one else in that district, would say, "Congress has already recognized this; they have made the report and now you should do the rest and appropriate the money." That is my feeling in the matter, and that is the reason why I have taken the stand that I have, and I say that I feel the same about any expense of any kind in any estimate in any part of the country, and I think that we should not enter upon it at this time.

Mr. O'CONNOR. I thoroughly understand and appreciate the position assumed by the gentleman from New York. I have no question about his sincerity, and I know that his opposition would be manifested whether this battle field were located in the North, East, or West. I will answer him by quoting a sentence from "Lead Kindly Light":

I do not ask to see the distant scene.
One step enough for me.

It probably is sentimental to the extent of being tearful, but in my opinion it covers the question propounded by the gentleman very succinctly and well. I do not know what the future will produce. As a matter of fact, I would not want to look into it. I honestly believe, though, and I say it now, that I hope in the years to come, when this country does find itself in a position to do so financially, that all of these great and splendid battle fields, that ought to be entwined with the most beautiful memories in American history, will be made a trust by the people of this country and guarded in such a way as to suggest to all generations that we are not unmindful of the havoc and the suffering and the tears and the trials of the people who made this country great and splendid. I want these magnificent victories of the days when our Republic was young to be kept alive. I want them and their glories maintained lest we forget the days when our country was a vast wilderness from the Mississippi to the Pacific Ocean, the days when even the eastern bank of the Father of Waters was barely known, when Kentucky was the dark and bloody ground, and Tennessee and Mississippi, whose sons marched with Old Hickory over what is to-day a great highway to repel an invader, were yet in the making; the day of romance and adventure when the brave hearts in the bosoms of women and the breasts of men beat down the difficulties of the wilderness and made a land that to-day is a justification of the apothegm: The desert shall rejoice and blossom as the rose.

I hope that somebody will come after me when this country is in a position to afford it financially—if we are going to rest even for a time upon dollars and throttle sentiment—I hope some one will come after me and press such a measure, not only for Chalmette, but for other great and splendid places in this country, where American arms vindicated all that the people struggled and fought for during the memorable epochs that led to the greatness and glory of this country. [Applause.]

The Battle Abbey is a shrine to the people of England. The field of Waterloo speaks to all of Europe that which the written word can never convey. Chalmette should be as dear to Americans.

Mr. DYER. Will the gentleman yield?

Mr. O'CONNOR. I will be glad to yield to the gentleman.

Mr. DYER. I see from this report that this bill was submitted to the Secretary of War, and he submitted it to the United States Engineers' office for report, and that a report has been made.

I do not see what could be accomplished now by limiting the bill simply to making another report when a report has been made and submitted and recommended.

Mr. O'CONNOR. You will see that that was purely tentative, and was not carried out in the detail that they promised in the report.

Mr. DYER. I doubt if any other report is necessary unless we want to pass the whole bill as written. I move to strike out——

Mr. O'CONNOR. I move to strike out——

Mr. DYER. I think we had better find out if there is going to be any objection, Mr. Speaker.

Mr. O'CONNOR. I am appealing to you not to make an objection.

Mr. DYER. I ask for the regular order in order to find out if there is objection.

Mr. SNELL. Mr. Speaker, purely in the interest of economy I feel obliged to object to the further consideration of this bill.

Mr. O'CONNOR. Mr. Speaker, may I have unanimous consent to revise and extend my remarks?

The SPEAKER. The gentleman from Louisiana asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none. [Applause.]

CLAIMS OF KLAMATH TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5163) authorizing the Klamath Tribe of Indians to submit claims to the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, I reserve the right to object. The bill should be reported, or it should be explained by some one.

Mr. SINNOTT. Mr. Speaker, this is a bill that was up about a month ago on unanimous-consent day; its main purpose is to authorize the Klamath, Moadac, and Yahooskin Tribes of Indians to take into the Court of Claims a controverted matter concerning their reservation boundaries. It authorizes the Court of Claims to investigate the merits of their claim that they have lost some 400,000 acres of land from the land which they reserved to themselves when they ceded a much larger area to the United States. And if the Court of Claims finds that their claim is a just one, they will not be paid any more than the value of the land at the time of the loss, and that would be something under a dollar an acre.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5163) authorizing the Klamath Tribe of Indians to submit Claims to the Court of Claims.

Be it enacted, etc., That all claims of whatsoever nature which the Klamath Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums, including gratuities, heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe, or band or bands thereof, may be presented separately or jointly by petition, subject, however, to amendment; suit to be filed within five years after the passage of this act, and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant; and any band or bands of said tribe, or any other tribe or band of Indians the court may deem necessary to a final determination of such suit or suits, may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Klamath Tribe, or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That if it be determined by the Court of Claims in the said suit herein authorized that the United States Government has wrongfully appropriated any lands belonging to the said Klamath Tribe of Indians, damages therefor shall be confined to the value of the said land at the time of said appropriation, together with interest at 3 per cent per annum, and the decree of the Court of Claims with reference thereto, when satified, shall annul and cancel all claim and title of the said Klamath Tribe or any other tribe or band of Indians in and to said lands, as well as all damages for all wrongs and injuries, if any, committed by the Government of the United States with reference thereto.

SEC. 4. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians, under contracts negotiated and approved by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fee shall be taken from any money in the Treasury of the United States belonging to such

tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The following committee amendments were severally read and agreed to:

Page 1, line 3, after the word "Klamath," insert "and Modac."

Line 4, strike out the word "Tribe" and insert in lieu thereof the word "Tribes," and after the word "Indians" insert "and the Yahooskin Band of Snake Indians, parties to the treaty with the United States, concluded October 14, 1864 (16 Stat. L., p. 707)."

Page 2, line 2, strike out the word "tribe" and insert the word "Indians."

Page 2, line 4, strike out the word "tribe" and insert the word "Indians."

Page 2, line 5, strike out the word "tribe" and insert the word "Indians."

Page 2, line 10, strike out the word "tribe" and insert the word "Indians."

Page 2, line 21, strike out the word "tribe" and insert the word "Indians."

Page 2, line 22, strike out the word "tribe" and insert the word "Indians."

Page 3, line 2, strike out the word "tribe" and insert the word "Indians."

Page 3, line 7, strike out the words "Klamath Tribe" and insert the word "Indians."

Page 3, line 14, after the word "tribe," insert the word "Indians."

Page 3, line 17, strike out the word "tribe" and insert the word "Indians."

Page 3, line 21, strike out the words "Klamath Tribe of."

Page 4, line 1, strike out the words "Klamath Tribe" and insert the word "Indians."

Page 4, line 8, strike out the word "tribe" and insert the word "Indians."

Page 4, line 14, strike out the word "tribe" and insert the word "Indians."

Page 4, line 21, strike out the word "tribe" and insert the word "Indians."

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DYER. Mr. Speaker, I ask for a division.

The SPEAKER. A division is called for.

The House divided; and there were—ayes 58, noes 0.

So the bill was passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

IOWA TRIBE OF INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment on principles of justice and equity and as upon a full and fair arbitration of the claims of the Iowa Tribe of Indians, of Oklahoma, against the United States, with the right of appeal by either party to the Supreme Court of the United States, for the determination of the amount, if any, which may be legally or equitably due said tribe of Indians under any treaties or laws of Congress or under any stipulations or agreements, whether written or oral, entered into between said tribe of Indians and the United States or its authorized representatives, or for the failure of the United States to pay any money which may be legally or equitably due said tribe of Indians: *Provided*, That the court shall also consider and determine any legal or equitable defenses, set-offs, or counter claims which the United States may have against the said Iowa Tribe of Indians. A petition in behalf of said Indians shall be filed in the Court of Claims within one year after the passage of this act, and the Iowa Tribe of Indians shall be the party plaintiff and the United States the party defendant, and the petition may be verified by the attorney employed by the said Iowa Tribe of Indians to prosecute their claim under this act, under contract to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the facts alleged in said petition. Upon the final determination of the cause the Court of Claims shall decree such fees and expenses as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by said Iowa Tribe of Indians, and the same shall be paid out of any sum or sums of money found due said Iowa Tribe of Indians: *Provided*, That in no case shall the fees and expenses decreed by said court be in excess of 10 per cent of the amount of the judgment.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HERNANDEZ, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROOSEVELT NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5006) to add certain lands to the Sequoia National Park, Calif., and to change the name of said park to Roosevelt National Park.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDREWS of Nebraska. Reserving the right to object——

Mr. JOHNSON of Washington. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Washington reserves the right to object.

Mr. JOHNSON of Washington. Before we proceed to consider this bill, Mr. Speaker, I think we ought to know what it is that is proposed to be done in this great park, where a million acres are to be added to it. There are to be no monopolies. Why should this national park be different from the other national parks in that respect?

Mr. ELSTON. The reason why an area of a million acres is included would be very easily understood if the gentleman had an appreciation of the topography of the country that will be taken in. I do not believe that there is any part of the territory that is on an average below 7,000 or 8,000 feet elevation. The whole of this area comprises what might be called an Alpine country. It is under a deep mantle of snow during eight months of the year. During three or four months of the year it is one of the grandest scenic places in the world. It comprises some of the most wonderful scenic features aggregated in any one locality in the United States or in America.

Mr. JOHNSON of Washington. That being so, the land would still have all these scenic features, even if it remains as it is, as a part of a forest reserve. But if it is made into a park a man can not go in there with a fishhook or with a gun with out becoming subject to the park regulations.

Mr. ELSTON. The gentleman has no doubt examined the bill?

Mr. JOHNSON of Washington. Yes.

Mr. ELSTON. I think I can assure him that those points have been pretty well covered in regard to the free entrance into the park and a reasonable use of their private holdings by settlers, mineral claimants, and all other kind of entrymen inside the park.

Mr. JOHNSON of Washington. Is not this bill simply extending the park provisions to a gigantic area, even though the gentleman says the bill is liberal in its provisions? As a matter of fact, all the regulations that now exist with regard to national parks will apply to this million acres added to it; and one reason for that, as I understand it, is that the mountain climbers from Los Angeles and San Francisco, in previous trips into the Sequoia National Park and then on in to northern California, have come upon valleys where they found sheep grazing. The sheep annoyed and interferred with the mountain climbers. Is not that one of the reasons?

Mr. ELSTON. That is decidedly not the reason.

Mr. JOHNSON of Washington. Not a reason, but, perhaps, a cause of complaint.

Mr. ELSTON. If the gentleman will allow me to proceed a moment, I think I can disabuse his mind as to those points. Whatever objections the gentleman may have with regard to the application of the national-park act to other parks, there has been a particular set of rules inserted in this bill with respect to this park. These rules and regulations are very liberal, and they are intended to cover some of the objections that the gentleman has just made. I do not believe——

Mr. JOHNSON of Washington. That is just the point. You have a national-park system, very big, very large, and very good, but with lots of rules and regulations which are necessary, whether they are oppressive to some of the people or not; but here you propose to greatly enlarge a fine national park—to make it six or seven times as large as any other, and eliminate it from the application of the rules that apply to other national parks.

Mr. ELSTON. There might be good reason for that, which I can point out to the gentleman if he will wait a moment. This country is not a grazing country or a cattle country. I am speaking now in a general sense. It is merely a wild range of mountain country with extraordinary scenery. Running through this park are the great Kings and Kern Rivers. Their canyons are comparable to the Yosemite, except that they are grander in their proportions; they are wilder, and in some respects they outdo the Yosemite. As to the Yosemite, the falls and other scenic features are more concentrated, whereas in these canyons

of the Kern and Kings Rivers they are more distributed. The whole country is one mass of great giant mountain peaks, rugged upland, and deep canyons.

Mr. JOHNSON of Washington. It is all under the control of the Forest Service, with rangers and everything else provided by the Government. Now, the proposed park control would be a more intensive control by the United States, with a rim of forest-reserve territory all around it still controlled by the Federal Government.

Mr. ELSTON. As I said, for eight or nine months of the year this whole country is covered by snow. In this area there are no settlements; there is not one person who can live in this region eight months in the year. There are no settlements except temporary settlements for three months in the year by cattlemen, who drive their herds up into the high mountain meadows. Compared with the great area involved the grazing values are almost negligible.

Mr. BARBOUR. Mr. Speaker, will the gentleman yield?

Mr. ELSTON. Yes.

Mr. BARBOUR. Has it not been stated by people who are in a position to know that the scenic features of this park exceed even those of the Alps?

Mr. ELSTON. That statement has been made by John Muir, the great naturalist, and it has been made by other people of like authority, and I do not think it can be controverted.

Mr. JOHNSON of Washington. But if the people are not in there nine months in the year and there are no inhabitants, as the gentlemen say, why can it not go along as it is, as a forest reserve, rather than be placed under a more intensive administration as a national park? The bill is entitled to an objection.

Mr. BARBOUR. I have an answer that will meet that.

Mr. ELSTON. I hope the gentleman will withhold objection for a moment.

Mr. JOHNSON of Washington. I will withhold my objection.

Mr. BARBOUR. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. BARBOUR. Did not Col. Graves, who was then the United States Forester, testify before the Committee on Public Lands that a large portion of this area—not all of it, but a large part of it—was suitable only for park purposes, or in words to that effect?

Mr. ELSTON. That was the testimony of the Chief Forester, and this bill has the approval of the Department of Agriculture and of Col. Graves himself.

The only question related to the elimination of certain areas which were thought to be better for grazing or for timber culture, and those objections have been substantially met by committee amendments.

Mr. FRENCH. Will the gentleman yield for another question?

Mr. ELSTON. I yield to the gentleman from Idaho.

Mr. FRENCH. I was wondering if it would be possible for waters to be stored in this proposed park for irrigation purposes?

Mr. ELSTON. Application of that kind could be entertained, and uses of that kind could be permitted in the discretion of the Secretary of the Interior.

Mr FRENCH. As I understand it, under the general law a right of way could be granted through a national forest reserve; but I do not understand that that could be done under the Secretary of the Interior through a national park, under a recent decision of the Secretary. I was wondering if the gentleman had taken that into consideration in framing the language of the bill?

Mr. ELSTON. This bill has been examined by all persons or associations in California that might be interested in the irrigation aspects of the case.

The fact is that the rivers and streams that come out of this territory come out at such an elevation and from such narrow canyons that it would be impossible to make any storage inside the lines of this proposed park. I have just stated that the western boundary line of this park on an average has an elevation of 7,000 or 8,000 feet. This territory is in the main range of the Sierra Nevada, reaching up to an elevation of 15,000 feet. So far as I know, there is practically no area inside of this proposed park that is suitable for the storage of water.

Mr. FRENCH. What I have in mind is this: I am in sympathy with the purposes of the bill, but it had been assumed with respect to some of the national parks that the Secretary of the Interior has authority to assist in the utilization of the water for economic uses, and then when a case was presented to him he felt that the law is actually not broad enough to give him that authority, and it seems to me that if there is any possible question of any future use covering the impounding of water, or the utilization of a right of way across a part of this proposed national park for the diverting of water, we ought specifically to set it forth in the bill that the Secretary of the Interior shall have that authority, so that no question about it will ever arise in the future.

Mr. ELSTON. That matter has never been urged by any persons whose interests might be affected.

Mr. FRENCH. I make the suggestion so that if it is necessary at all it can be inserted, because the gentleman is the one whose people are interested in this proposition, and we ought not to overlook it if there is any possible chance of it ever being needed in the future.

Mr. BARBOUR. If the gentleman will yield to me on that point, I will state that I have never heard any suggestion of impounding waters in this area that it is proposed to include in the park, but I believe that in the forest areas farther down there are plenty of places to impound water, if it is necessary for irrigation, without going into this proposed park area.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, reserving the right to object, the gentleman from California [Mr. ELSTON] evidently overlooks a portion of the letter of the Secretary of Agriculture when he says this bill has the approval of the Secretary and of the forester. The Secretary of Agriculture expressly withholds his approval and says this legislation ought not to be enacted. He gives his reasons. He tells about the number of settlers on lands proposed by this bill to be included within the park. His words are:

> The effect of the exclusion of cattle would be detrimental to many small ranches. There are within the area of the proposed park approximately 6,500 cattle and horses grazing under permit. A large part of the permittees are small men who have been undertaking to build up ranches in the foothills. In the majority of instances the privilege of grazing cattle in the national forest is essential to the success of maintaining these foothill homes; and the exclusion of these privileges will mean in a large number of cases not only great injury to these small ranchers but probably failure. It happens that most of the lands needed for the grazing of cattle are not of a scenic character that justifies their transfer to the status of a national park.
>
> The net result of the investigations is to convince the department that the measure has not given sufficient consideration to broad economic interests of the region. Lands long withdrawn and established as national forests, which are chiefly valuable and urgently needed for timber production and forestry and for range utilization, should be maintained and administered as national forests unless some urgent public reason makes their transfer to another jurisdiction for some other use necessary. No such urgency or necessity is known to exist in this case.

The Secretary points out also that efforts have been made by himself and the Secretary of the Interior to reach an agreement, but that no agreement has been reached as to definite or satisfactory boundaries, and that until these boundaries be agreed upon and defined in such a way as not to affect injuriously these settlers or interfere with the proper administration of adjacent land in charge of the Forest Service, this legislation ought not to be adopted. Mr. Speaker, I object.

Mr. ELSTON. Will the gentleman withhold the objection for a moment until I can set him straight on one item?

Mr. McLAUGHLIN of Michigan. I will reserve the objection.

Mr. ELSTON. The letter of the Secretary of Agriculture, or at least the portion that the gentleman has read here, refers entirely to the boundaries. Col. Graves, who testified before the committee for the Secretary of Agriculture, had the following to say, and this was after the letter which the gentleman has read was presented to the committee. Col. Graves testified as follows, as appears on page 34 of the hearings:

> The proposed park, I would like to say, in the first place, is one in which I am personally interested. I am in favor of a park which will include the great scenic features of the Mount Whitney region and the region of Kings and Kern Rivers. It seems to me also that it is very appropriate that this park should be named after Theodore Roosevelt.

Col. Graves and the Department of Agriculture objected only to the boundaries. These boundaries have been adjusted down to a point where they substantially agree with the suggestions made by Col. Graves. We eliminated nearly 200,000 acres after the introduction of this bill, to comply with the suggestions of Col. Graves.

The gentleman has referred to the settlers in the area of the park. The settlers mentioned in the letter of the Secretary of Agriculture refer to settlers in the San Joaquin Valley outside the proposed park. They have been in the habit of sending small herds up into the mountain for the summer forage.

Mr. JOHNSON of Washington. There are private holders of land, and the minute this becomes a park up will come the demand that the Government buy them out.

Mr. ELSTON. There were large timber holdings, but we have eliminated them. There are no private holdings in there that the Government would want. There are some mineral holdings, but they have been properly safeguarded.

Mr. JOHNSON of Washington. But sooner or later they will have to be sold to the Government.

Mr. ELSTON. If the gentleman will look at the hearings and report he will find that the idea of this park has been indorsed quite universally.

I would refer to the gentleman from California [Mr. BARBOUR], who represents the district in which this park is located. He represents the settlers which the Secretary of Agriculture has mentioned in his letter. If the gentleman wants any assurance as to the fact that these settlers are safeguarded, the gentleman from California [Mr. BARBOUR] would be able to advise how far this bill impinges on their rights. I think the gentleman from California [Mr. BARBOUR] will say that the bill is meritorious and the rights of his constituents are protected.

Mr. BARBOUR. It is on that point that I asked if the gentleman would yield for a moment. The Secretary of Agriculture wrote the letter which the gentleman from Michigan has read when the bill was first submitted and when the original bill was being considered by the Committee on Public Lands. In order to take care of the stockmen whom he mentioned, I offered this amendment, which is the proviso on page 12.

Mr. JOHNSON of Washington. That is my objection to the bill. It proposes to create a hybrid, neither a park nor a forest reserve. It wants all of the benefits and none of the responsibilities.

Mr. BARBOUR. It is proposed to take in a large area of land, but it will not be developed for park purposes for several years to come.

Mr. JOHNSON of Washington. If there are no people in there except for the little grazing that goes on there, why put so many of the regulations of the national-park system into effect?

Mr. BARBOUR. Because it is necessary, if you are ever to make it a park, to start sometime. The proposition has been before Congress for six years. If the gentleman objects to the liberality of the provisions of the bill——

Mr. JOHNSON of Washington. I do not. But I do believe that some of the great beauty spots of the West should be left so that a man may bait a fishhook or shoot a gun without violating some park regulation.

Mr. BARBOUR. I agree with the gentleman on that proposition, and it was with that idea of taking care of the grazing interests that I offered the amendment before the Committee on the Public Lands which permits grazing on this land at the same fees as is charged by the Secretary of Agriculture.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, there seems to be some serious disagreement as to the boundaries of this park and forest reserve. The gentleman from California [Mr. ELSTON] says there are to be further conferences and that they are to submit further amendments. Under these circumstances this bill ought not to be passed by unanimous consent, and I object.

The SPEAKER. The gentleman from Michigan objects, and the Clerk will report the next bill.

IRRIGATION EASEMENTS IN YELLOWSTONE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12466) authorizing the granting of certain irrigation easements in the Yellowstone National Park, and for other purposes.

The SPEAKER. Is there objection?

Mr. TINKHAM. Mr. Speaker, I object.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman withhold his objection for a short time?

Mr. TINKHAM. I withhold my objection until the gentleman can make a statement.

Mr. SMITH of Idaho. Mr. Speaker, I wish the opportunity of explaining to the Members of the House the importance of enacting this legislation. We have just been considering a bill which proposes to add to a national park in California over a million acres of land. This bill is one to permit the use of 8,000 acres of land in the southwestern corner of the Yellowstone National Park, which, according to engineers' reports and the topographical maps of the United States Geological Survey, are near the center of a swamp, covering possibly 100,000 acres. This [pointing] is an enlarged map of the southwestern corner of the Yellowstone National Park. In the eastern section of the State of Idaho, adjoining, there are 200,000 acres of land that are partially irrigated from the reservoir sites at the heads of the streams, as will be observed by the map. Because of the lack of snow in the mountains a year ago there was such a shortage of water for irrigation purposes that over $10,000,000 worth of crops were lost last season. At the present time, on account of the lack of hay, resulting from a shortage of water for irrigation, the cattle are starving in that section of the country, as is evidenced by a newspaper item in the daily Idaho Statesman of April 13. Hay dealers are sending into that country hundreds of carloads of hay from the western part of Idaho to feed the starving cattle in the eastern portion, the shortage in hay, as stated, being caused by the lack of water for irrigation purposes last season. This map shows the relative size of the two reservoirs it is proposed to construct. It also shows the roads leading into and through Yellowstone National Park and their remoteness from the sites of the proposed reservoirs. There are three entrances, one from the west, one from the north, and one from the east. The proposed reservoirs are not within 40 miles of the entrance on the west and is removed from the eastern entrance and northern entrance the whole width of the park. The general right-of-way law which applies to the public lands does not apply to the Yellowstone National Park or to other national parks, and special legislation is necessary.

It is just a question of whether the Congress is willing to allow the farmers living in eastern Idaho to build reservoirs at their own expense to save for irrigation purposes the snow and rain which God Almighty sends for all of us or whether a few splendid but overly esthetic people, so far as the western country is concerned, who are living in luxury in Boston, New York, Philadelphia, and other eastern cities, and who apparently have little interest or sympathy for those of limited means who are trying to build homes for themselves and families on the arid lands, are to be permitted to make it possible by defeating this legislation for these hardy pioneers who are reclaiming the desert to lose ten or fifteen million dollars worth of crops each year. These worthy people are just as much entitled to the use of this water as they are to the air and sunshine. If we enact this legislation, the farmers will construct the reservoirs without cost to the Government to store sufficient water for irrigation purposes to insure a bountiful crop, the food supply will be increased for all the people, and the country generally will be benefited.

The only site available for such storage is in the extreme southwestern corner of the Yellowstone National Park, a section which is marshy in its character and which is never visited by tourists because of the lack of roads or trails. Application was made to the Secretary of the Interior for a right of way for a reservoir under the general law affecting easements on the public domain, and after careful consideration the Secretary stated he was in doubt in regard to his authority to grant such a permit of easement under the general law and submitted proposed legislation, which is embodied in the bill under consideration, which gives the Secretary of the Interior authority to grant the necessary right of way in the extreme southwestern corner of the Yellowstone National Park for the construction of a reservoir, canals, and so forth, for the purpose of storing water for the purpose of irrigation.

It is specifically provided that the road to be constructed from the park boundary to the site of the reservoir shall be maintained at the expense of the grantees, who shall also permit the use of any telephone or telegraph lines which may be constructed. Also that timber within the limits of the reservoir shall be cut and removed so as not to mar the attractiveness of the reservoir, and that all plans and specifications shall be submitted and approved by the Secretary of the Interior before construction. Also that the Secretary of the Interior shall make and enforce rules and regulations necessary to carry into force and effect the purposes of the act, and to protect and preserve, in so far as consistent therewith, the beauty of said park.

The proposed legislation simply confers upon the Secretary of the Interior authority to approve the application for a right of way if, in his judgment, such action should be taken.

The approval of the Acting Secretary of the Interior of the proposed legislation is set forth in the following letter addressed to the chairman of the Committee on the Public Lands:

DEPARTMENT OF THE INTERIOR,
Washington, March 6, 1920.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I have your request of February 13 for a report on H. R. 12466, entitled "A bill authorizing the granting of certain irrigation easements in Yellowstone National Park, and for other purposes."

I have carefully examined this measure in the light of the policies of this department with respect to the protection of the natural conditions of the national parks, and I have reached the conclusion that no objection to the passage of the bill should be interposed by me, for the reason that no easements for irrigation purposes in the Fall River Basin, Yellowstone National Park, must be granted by the Secretary of the Interior under the provisions of this legislation unless he first finds that such easements will not bring detriment to or interference with the uses of the land involved for park purposes.

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

The reasons upon which the importance of the proposed legislation is based are as follows:

1. There are about 30,000 people residing on farms, which are now in a high state of development and cultivation and in need of additional water supply in order to secure the maximum crops. The area affected is about 200,000 acres, situated in Fremont and Madison Counties, Idaho.

Except during dry years, these lands are fairly well supplied with water, but during the periods of drought a great shortage of crops are experienced.

2. A careful examination of the watershed has been made by the officials of the State of Idaho and the engineers, which examinations disclose the fact that this reservoir site in the Yellowstone National Park on Fall River is the only site which can be utilized in providing an additional water supply for the land in question.

3. On account of the peculiar conditions surrounding this site, its location, etc., the reservoir can be constructed and operated without any interferences whatever with the park.

The area intended to be used by this reservoir is of a swampy character and contains nothing whatever of interest. When this reservoir is constructed, this swamp will be converted into a beautiful mountain lake.

4. There is absolutely nothing in the way of unusual scenery or other interesting features in this part of the park, but the entire area contains only the ordinary western mountain landscape scenes, such as may be seen along the lines of travel for many miles by any tourist approaching the park from any direction.

This part of the park is not on the line of tourist travel and is never visited by the tourists on account of the topographic conditions; none of the tourist routes through the park ever reach this territory, as there is nothing of unusual interest to induce the tourist travel to visit this section.

During recent years, particularly 1919, a considerable menace existed to the entire Yellowstone National Park from forest fires. One of the fires most difficult to control occurred at the headwaters of Fall River and was only extinguished with great difficulty owing to a lack of roads and a means of access. When this easement is granted, a highway will be constructed from the railroad station at Ashton or Marysville to this part of the park, in order that they may gain access to their work. This highway will serve as a means of access to the park for fire protection and other purposes for all time to come.

5. Like many of the other Western States, Idaho is dependent entirely on the development of its agricultural resources by irrigation for further growth and prosperity. This development can only progress by the conservation of our water resources through the construction of storage reservoirs. Such reservoirs obviously can only be constructed where favorable sites exist and where adequate water supply is available.

6. Little need be said concerning the necessity of increasing the food production of the Nation and the world, but the following brief summary covers the crop production from this territory: Sugar beets, wheat, oats, and barley, peas, and other seeds, together with large quantities of forage for cattle and sheep, and potatoes and other vegetables are grown in large quantities.

The aggregate loss in crop failures, due to the shortage of water during 1919 on the lands which it is intended to irrigate from this reservoir, not including the loss in cattle, sheep, and other live stock, aggregated more than $15,000,000.

The growing of sugar beets as an industry in this part of the country is one of the most important, and owing to the shortage of water, all of which would have been avoided had this reservoir been in existence, this crop was not more than 40 per cent of the normal during 1919. The estimated loss of sugar beets in this territory during that year is about $5,000,000.

7. This reservoir site is not desired by any corporate interest for corporate profit, but by the farmers, who are organized and will furnish all the money to construct the necessary works, and its use will be entirely devoted to the creation of happy farm life and prosperity. At this particular time when extreme congestion occurs in our cities and congested centers of population, it is highly important that special inducement be offered to increase the rural population and relieve these congested centers.

8. At a time when the world is largely filled with unrest, due to the radical activities in Russia and elsewhere, to say nothing of our own Nation, it is well to remember that the owners of farm property and the people who are tilling their own soil are not radicals, but really constitute our most loyal and patriotic American citizens. In this respect it is, therefore, important to further increase our farm areas and build up our rural communities.

When this reservoir is constructed, the adequate water supply provided thereby and the increased production resulting therefrom will permit of material reduction in the present farm units in this territory and thus build up additional homes for many people.

Mr. Arthur P. Davis, Director of the Reclamation Service, who has visited this section of the park, stated to the committee that this section is of a marshy character, and that it is of the greatest importance that the water be conserved as proposed for irrigation purposes. The director has also submitted the following letter:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., March 18, 1920.

Hon. ADDISON T. SMITH,
Acting Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SMITH: In accordance with your request over the telephone this morning, I am submitting the following information concerning the reservoir site known as Fall River Meadows or Bechler Swamp in the southwestern corner of Yellowstone Park.

This site is desired for the storage of water for irrigation by farmers along the North Fork of Snake River in Idaho, and it is well adapted to the purpose. The region is partly covered with timber of little value and is, in general, swampy. A low range of hills passes through the swampy area, and by closing the gaps in these hills it is possible to store a large quantity of water for irrigation. The land that would be submerged by the lake thus formed is mostly of a swampy nature and is unsightly and without any scenic value or economic value that is comparable to its value as a reservoir.

The lake that would be formed would be more pleasing to the eye than the natural swamp and would eliminate a considerable area of mosquito-breeding territory. If the embankments proposed to form this reservoir are built in a workmanlike manner and the construction camps and equipments properly cleaned up, the proposed work will be a distinct improvement in the appearance of the region and the roads that will be necessary to construct and operate this reservoir will increase the accessibility of the southwestern portion of the park.

I know of no valid objection, either of a scenic or economic nature, to the proposed construction, and think by all means it should be allowed and encouraged by Congress.

Very truly, yours, A. P. DAVIS, *Director.*

Mr. Stephen T. Mather, Director of the National Park Service, also addressed the committee and recommended the passage of the bill, with the statement that before the Secretary acted upon the application for a right of way, he and the superintendent of the national park would visit the Fall River Basin country and furnish the Secretary of the Interior full information, which would enable him to take appropriate action on the application.

Many statements have been furnished the committee from farmers and others as to the value of crops lost last season because of the shortage of water supply, which would have been saved had the proposed reservoir been constructed and water conserved for such an emergency in the way of the shortage of water as existed last summer, a few of which are as follows:

STATEMENT OF DROUGHT CONDITIONS DURING THE SEASON OF 1919 IN THE UPPER SNAKE RIVER VALLEY.

ASHTON, IDAHO, *November 1, 1919.*

I am farming 640 acres just south of Ashton; 300 acres sown to wheat, which with irrigation water available would have yielded not less than 12,000 bushels, brought 1,761 bushels; 250 acres sown to seed peas, which should have brought not less than 9,000 bushels, yielded 327 bushels, or considerably less than half the amount of seed planted; 20 acres of barley yielded 28 bushels, less than the amount of seed used; 32 acres of alfalfa hay, which with the ordinary amount of irrigation water available should have brought not less than 160 tons, brought 30 tons of very inferior hay.

The season of 1919, with its abundance of sunshine and warm weather, should have been a record-breaking year, if farmers of this section could have only enjoyed the usual amount of water for irrigating their crops. The above estimates of yields are based on what my experience of 20 years of farming here leads me to expect and are low. Any season, when the farmers here are compelled to allow the waters in the rivers to go by and supply older rights, the same crop failure will virtually recur.

To reasonably safeguard future farming operations in this section, it is absolutely necessary to augment the present supply of irrigation water. The only location that is left would be the reservoir site in Fall River meadows.

G. HARRIGFELD.

STATE OF IDAHO,
County of Madison, ss:

We, the undersigned, president and secretary of the Teton Island Canal Co., an irrigation corporation existing and operating in Madison County, State of Idaho, do hereby certify as follows:

That our losses on account of shortage of water during the year 1919 have at least been one-half of our entire crop and that we are badly in need of stored water for irrigation purposes, and we must have stored water to properly irrigate all tillable land under present irrigation system, and unless we provide stored waters our losses will continue to be great hereafter. And we will be short of water the years that our snowfall is light.

We, the president and secretary of the above corporation, certify that the above statement is true and correct.

ALFRED RICKS, *President.*
JAMES A. BERRY, *Secretary.*

Subscribed and sworn to before me this 5th day of November, 1919.
[SEAL.] W. E. GEE,
Notary Public, Rexburg, Idaho.

My commission expires January 16, 1922.

STATE OF IDAHO,
County of Madison, ss:

Ross J. Comstock, being first duly sworn, deposes and says:

That he is the president of the First National Bank of Rexburg, Madison County, State of Idaho, and has for the past 19 years lived continuously in the said Madison County.

That during all the said time he has been identified with said bank and its predecessors, and that in the managing of said business he is personally and well acquainted with the irrigation conditions of said county.

The affiant further states that located in Madison County are 80,000 acres of irrigated lands which are capable of being irrigated from the water supply of the North Fork of Snake and Teton Rivers; that during the said time, on numerous occasions, more or less of said lands have suffered from lack of irrigation water, and the farmers have sustained material losses through failure to secure necessary water for irrigation purposes.

The affiant further states that this has been especially the condition during the irrigation of 1919 and that all of said lands have suffered from lack of water for irrigation, and he would estimate that said loss would exceed $25 to $100 per acre, with a probable general average of $35 to $40 per acre.

The affiant further states that in the development of said Madison County that the more scientific farming and the diversification of crops requires that a greater amount of water be provided than in former years and that it is apparent that the only manner in which said water can be provided and due protection given to the irrigation districts of Madison County is through the storage of water at the heads of the water supply that flow through the valley, and released during the time that the regular flow of the rivers will not supply a sufficient amount of water for irrigation purposes.

The affiant further states that the irrigated portions of Madison County being subirrigated, that by reason of filling the ground to raise the water table to properly subirrigate said lands, creates a reservoir or storage of water and the return flow to the river is immeasurably valuable to the irrigation districts below.

R. J. COMSTOCK.

Subscribed and sworn to before me this 5th day of November, 1919.
[SEAL.] FAY ABBOTT.

—

I, Joseph E. Romrell, hereby depose and say that I am president of the Wilford Irrigation & Manufacturing Co., of Wilford, Fremont County, Idaho. That said company is a cooperative and nonspeculative corporation operated solely for the purpose of irrigating the lands owned by the members of the company. That there are over 2,000 acres of cultivated land under the company's canal owned and operated by the stockholders of the corporation. That the value of the land of said tract ranges from $125 to $200 per acre. That due to scarcity of water during the present year of 1919 the farmers comprising this company have lost $150,500 worth of crops, as follows:

Wheat	$68,000
Oats	6,500
Seed peas	50,000
Alfalfa hay	15,000
Grain straw and pea straw	3,000
Miscellaneous crops	8,000
Total	150,500

That we suffer yearly a shortage of water and extremely so such years as 1898, 1913, 1914, 1915, 1918, and the present year.

That we have joined in the formation of the Fremont-Madison Reservoir Co., subscribing $20,000 stock therein, or 5,000 shares at $4 per share, applying for 5,000 acre-feet of water annually, through said reservoir company.

Witness my hand and seal at Wilford (St. Anthony, R. F. D. No. 1), Fremont County, Idaho, this the 12th day of November, 1919.

JOSEPH E. ROMRELL.

STATE OF IDAHO,
County of Fremont, ss:

On this 13th day of November, in the year 1919, before me, Walter Riggs, a notary public in and for the State of Idaho, personally appeared Joseph E. Romrell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written at Teton, Idaho.

[SEAL.] WALTER RIGGS, *Notary Public.*

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STATE OF IDAHO,
County of Fremont, ss:

I, E. Cunningham, being duly sworn, say that I am a resident of Ashton, Idaho; that I have lived here since 1906. I am a farmer by occupation and know the conditions existing in this country relative to the aridity and need of irrigation water.

During the years 1910, 1916, 1917, 1919, it was extremely dry in this section of the country and the crops were very short in the three first-named years, and practically a failure in the last-named year for the lack of irrigation water. The crops grown here are very small grains, hay, peas, beets, and vegetables. It is impossible to successfully grow hay, peas, beets, or any vegetables in almost any year without irrigation. This section of country, being among the last to be settled in the Snake River Valley, found the water all appropriated before it was settled, leaving us nothing but flood water. In order to overcome this shortage of water it is absolutely necessary that we be enabled to secure storage facilities to hold the flood water in order that we may be able to get the necessary water for irrigation.

E. CUNNINGHAM.

Subscribed and sworn to before me this 3d day of November, 1919.
[SEAL.] HIRAM G. FULLER, *Notary Public.*

—

ST. ANTHONY, IDAHO, *October 30, 1919.*

To whom it may concern:

We affirm that G. A. Fitzpatrick has been the manager of the St. Anthony Flour Mills, of St. Anthony, Idaho, and has resided at St. Anthony, Idaho, for the past six years, and that, as such manager, he has had occasion, due to the nature and interests of the grain business, to observe, more or less, the shortage of irrigation water at St. Anthony and in the surrounding vicinity. We further affirm that during the growing season of 1919 there was such a shortage of irrigating water in this part of Idaho that only about 15 per cent of a normal crop was grown, which could have been avoided if proper reservoir facilities were provided to take care of the flood waters in the spring of the year.

This is not the only year that this has occurred, as two years ago the same condition existed, but not nearly as severe as during the year 1919, as there were not as many acres under crop then as during the present year. This also was true in the year 1913, but the shortage was not as severe as in the years 1917 and 1919. This is due also to the fact that there was not nearly as large an acreage planted as during the war period, when each farmer exerted every effort to plant every available acre that was possible. It is true, however, that the irrigation water is not sufficient to grow successfully crops throughout this district without reservoir reservation of water, and for St. Anthony and surrounding territory to be successful there must, in the very near future, be obtained reservoir facilities large enough to store the flood waters in the spring to take care of this later demand, as it is the late water that matures the crops and makes the country successful.

Very truly, yours,

ST. ANTHONY FLOUR MILLS,
By G. A. FITZPATRICK, *Manager.*

—

EVERETT B. CLARK SEED CO.,
St. Anthony, Idaho, October 29, 1919.

John B. Davis, manager of the Everett B. Clark Seed Co., St. Anthony, Idaho, being first duly sworn deposes and says:

Following is a summary of our books of seed sown and crops grown from same during the past six years:

Year.	Pounds seed sown.	Pounds crop harvested.	Average fold.
1914	780,660	3,602,371	4.613
1915	606,162	3,447,395	5.685
1916	773,304	2,750,160	3.556
1917	786,520	2,138,808	2.708
1918	813,176	3,064,688	3.646
1919	761,226	1,645,865	2.162

The pea-growing sections in the United States as I know it are as follows: Parts of Wisconsin, Michigan, Montana, Washington, and Idaho. The two former are strictly dry-farm propositions, Washington partly, Montana and Idaho under irrigation, and without it very few, if any, peas can be successfully grown.

The Snake River Valley in Idaho has an ideal climate for pea growing, and with plenty of water it has no equal in the pea-growing game. Have been interested in pea growing in Canada, New York, Wisconsin, and Idaho, and have visited other sections during growing seasons.

Just to show what the scarcity of water did to some crops in this section this year: One of our growers, John F. Johnson, of St. Anthony, had two crops of peas for us, one crop that he had some water for—not enough, but enough to water parts of the field once. We paid him $1,057.85 for that, and for the other that he had no water at all for he owed us $108.94 for seed furnished him. In both cases land was the same. Cause: Shortage of water.

Others who had partial water:

J. S. Rudd, Parker, Idaho—from 60 acres we paid him $5,547.69.

Frank Fujimoto, St. Anthony—from 35 acres we paid him $2,907.10.

C. W. Brown, St. Anthony—from 20 acres we paid him $1,742.32.

Others with just as good land and farmers:

Paul Allan Parker—17 acres; did not get seed back.

T. W. Barger, Newdale—16 acres; total failure.

Seth Beam, Newdale—40 acres; total failure on as good land as ever lay outdoors.

Could go on and cite dozens of others in the same boat, but this will show conditions. At Ashton, Idaho, normally without best producing sections, this year almost a total failure.

We are unable to give actual loss to the farmers or ourselves owing to water shortage this year, but it runs into the thousands of dollars. Our own loss is extremely large, not only in dollars but in the loss of seed stocks that we have been years in breeding up and perhaps we may never be able to replace.

Respectfully submitted. JNO. B. DAVIS, *Manager.*

—

STATE OF IDAHO,
County of Fremont, ss:

Daniel Thomas, being first duly sworn, deposes and says:

That he is a resident of Fremont County, State of Idaho, and a citizen of the United States, over the age of 21 years. That he has resided at Ashton, Idaho, since November, 1916, and is one of the copartners of the firm of Thomas Bros., grain buyers, with elevators at Ashton, Grainville, Driggs, Felt, and Hetonia, Idaho; that he has been engaged in the buying of grain for years, prior to 1916, in the State of Kansas. That during the year of 1917 the firm of Thomas Bros. purchased at their elevators approximately 600,000 bushels of small grain, of the approximate value of $1,000,000; that during the year of 1918 they purchased approximately the same amount, and of the same approximate value; that in the year 1919 they will be able to purchase, due to the fact that there is no more in the country, not to exceed 30,000 bushels, of the approximate value of $45,000. The great difference in the amount purchased is due to the fact that in the year 1919 the shortage of water was so great that the canals of this section were shut off for the benefit of prior appropriators early in July of 1919; that this shortage of water has each year become more acute, due to the fact that sections with prior water right have become more highly developed, have used more intensive farming methods, entered industries requiring more water, and have become more densely populated.

That at the points where the firm of Thomas Bros., have elevators, other firms have elevators, whose purchases this affiant has no means of determining definitely but would judge ran about the same in volume and value as that of Thomas Bros.; that from his experience in the buying and handling of grain in other sections of the country your affiant is able to state that from his experience the section around Ashton is unsurpassed for the raising of small grain by any other section, either in quantity of yield per acre or in quality.

That the soil of this section is very fertile and productive, adapted to the raising of various products, for which markets are being established, and is susceptible of being easily irrigated; that due to the establish-

ment of markets for various products, which are being raised, and which will require irrigation more extensively than small grain has heretofore, more water than formerly is going to be required for the proper development of the country, so that instead of the present supply of water becoming more adequate by the change to production other than the raising of grain, such supply will become further inadequate; that to insure the future development of this section, or even to maintain its present development, the waters that pass by in winter months will be required to be stored, and your affiant verily believes that the only solution to the problem is the construction of the proposed reservoir for storage water in Fall River Meadows, in Yellowstone Park; that by such construction, the future development of Upper Snake River Valley is assured, but that without such construction, this section must become of no great importance in production.

DANIEL W. THOMAS.

Subscribed and sworn to before me this 1st day of November, 1919.
[SEAL.] THOS. B. HARGIS, *Notary Public.*

—

STATE OF IDAHO,
County of Fremont, ss:

W. L. Miller, being first duly sworn, deposes and says:

That he is the president and general manager of Miller Bros. Co., a corporation of the State of Idaho, engaged in the business of buying and selling grain.

That he has been engaged in the grain business in the city of St. Anthony continuously since the year 1900, and during all that time has bought and sold grain, and at times potatoes, hay, and feed. That during a large portion of the time he has been engaged in business the concern has operated and now are operating at seven different points on the branch of the Oregon Short Line Railroad, running from Idaho Falls, Idaho, to Yellowstone, Wyo., and to Victor, Idaho, all of which points, with the exception of one, are in the irrigated section of the Upper Snake River Valley and in the territory irrigated by the waters of Fall River and the North and South Forks of Snake River and tributaries.

That in the early period of the time that he has been engaged in said business the territory tributary to the points at which they operate produced largely grain, but of recent years the crops produced in this territory become very much diversified, and since more and difficult kinds of crops have been raised, such as sugar beets, potatoes, seed peas, etc., and the grain crops have steadily declined in acreage.

That the crops last above mentioned require irrigation later in the year than do the grain crops, and several years have occurred in which the crops of beets, potatoes, peas, and other late crops have not properly matured because of the lack of sufficient water in the latter part of the season, and particularly in the years 1916 and 1919, during which years the crops of grain and also the later maturing crops suffered extensively from want of irrigation, the crop of 1916 being estimated as 50 per cent short and the crop of 1919 being estimated as no more than 15 per cent of the normal yield for the territory embraced in the operations of his company. That the shortage of crop was due to no other apparent cause than the shortage of water, as is evidenced by the fact that the crops on the heads of the canals, where it was possible to obtain a sufficient supply of water and before any great loss had occurred by evaporation and seepage, were normally good, while the crops on the lower end of the same canals were, in some instances, particularly in the year 1915, a total failure.

W. L. MILLER.

Subscribed and sworn to before me, a notary public, residing at St. Anthony, Idaho, this 29th day of October, 1919.
[SEAL.] NORA E. CARROLL.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. RAKER. In addition to what the gentleman has said, from the settled community to the boundary line of the park and then into the park, at quite an enormous expense, these people are to build and maintain roads and telephone lines?

Mr. SMITH of Idaho. That is provided in the bill, and the Government is to have the use of these roads and telephone lines without any expense whatever to it.

Mr. RAKER. In addition to that, the entire surrounding territory where the reservoirs are is to be kept in proper shape?

Mr. SMITH of Idaho. Yes.

Mr. RAKER. To harmonize with the park and to be kept up at the expense of the reservoir people?

Mr. SMITH of Idaho. Yes. In the southwestern section of the park there are no roads or trails. No white man goes into that section of the country. It is a mountainous section, except in the southwestern corner, where there are nothing but swamps. The farmers propose to put a reservoir in the swamp section to conserve the water to augment the water supply to irrigate 200,000 acres in the eastern part of Idaho.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. SINNOTT. Will this project interfere in any way with the scenic beauties of that part of the park, or with the accessibility of that part of it?

Mr. SMITH of Idaho. It could not possibly interfere with the scenic features. A lake is certainly more attractive than a swamp. A fine wagon road will be built in from the railroad to this section over which to transport material to construct the reservoir, and under the provisions of the bill the organized farmers must keep the roads in good condition. Eventually the Park Service could build roads to connect with other roads in the park.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. TREADWAY. Has there been at any other time any effort to commercialize any part of the Yellowstone Park?

Mr. SMITH of Idaho. Not to my knowledge, except that about 20 years ago there was introduced a bill to build a railroad into the park. This is legislation intended to save the crops of 6,000 farmers situated on 200,000 acres of land, where now about 30,000 people live.

Mr. TREADWAY. I want to ask the gentleman further, whether or not this could not be used a little later on as a precedent for other efforts along the same or a similar line that might gradually take a slice here and there off of the beauty and attractions of the park?

Mr. SMITH of Idaho. That same argument might apply to any legislation or anything that we do. If we do something that is wise, we should do it because it appeals to our judgment, even if it establishes a precedent. Each proposition must stand or fall on its own merits.

Mr. FRENCH. I would like to ask the gentleman if it was not supposed the Secretary of the Interior had discretionary power to do this particular thing; in fact, the Secretary of the Interior about 1895 made a ruling practically on the same proposition applied to another park, holding that he did have that authority.

Mr. SMITH of Idaho. The general right-of-way law was supposed to apply to the parks as well as to the public domain, but recently the Secretary concluded it did not.

Mr. TREADWAY. It is very fortunate that there is no such discretion given any official so far as the Yellowstone Park is concerned.

Mr. SMITH of Idaho. May I ask the gentleman from Massachusetts a question? Is it more important that this swampy portion of the park should be preserved as sacred than that 200,000 acres of land should be put under complete and intensive cultivation and support 30,000 people who are there now and the 100,000 who will be there within the next few years?

Mr. TREADWAY. Answering the gentleman's question, I call his attention to his own report wherein he says that ordinarily there is ample water there, "Except during dry years these lands are fairly well supplied with water, but during the period of drought a great shortage of crops is experienced." It does not seem to me the gentleman there makes out a very strong case.

Mr. SMITH of Idaho. Possibly a drought may come next year, which will result in another loss of $10,000,000 worth of foodstuffs and bring discouragement and possibly bankruptcy to thousands of people who are on these lands.

Mr. RAKER. Will the gentleman yield?

Mr. SMITH of Idaho. I do.

Mr. RAKER. Now, the grant in this bill of the right of way is protected in the bill and is under the control of the Secretary of the Interior.

Mr. SMITH of Idaho. The interests of the Government are protected just as specifically as the language could possibly be made.

Mr. RAKER. And the roads are to be built under the direction of the Secretary of the Interior.

Mr. SMITH of Idaho. Yes.

Mr. RAKER. And the telephone lines the same.

Mr. SMITH of Idaho. Yes, sir.

Mr. RAKER. The dam and structures are to be built to harmonize with the rest of the park as nearly as it is possible to be done.

Mr. SMITH of Idaho. Certainly.

Mr. RAKER. And at the expense of these farmers below?

Mr. SMITH of Idaho. Entirely. It will not cost the Government a cent.

Mr. RAKER. Is there a foot of land which by virtue of its being thus taken will detract from the park?

Mr. SMITH of Idaho. Absolutely not. The proposed improvement will be a benefit to the park and result in saving the water which is necessary to use on this desert land during the hot, long summer to raise crops.

Mr. RAKER. And this is just a swamp and mosquito pond at the present time? It will be transformed into a beautiful lake in the park, where these people and others may go to visit?

Mr. SMITH of Idaho. Yes, sir.

Mr. SNELL. I understand there are 100,000 acres of swamp.

Mr. SMITH of Idaho. Yes, approximately.

Mr. SNELL. How can you make a reservoir of 9,000 acres on 100,000 acres of swamp?

Mr. SMITH of Idaho. We expect to build the dam between the hills and back the water up over this swamp.

Mr. SNELL. How much do they expect to back up the water?

Mr. SMITH of Idaho. On 8,000 acres.

Mr. SNELL. How many feet high—how high?

Mr. SMITH of Idaho. On an average of 10 or 15 feet.

Mr. SNELL. What kind of timber is on the land?

Mr. SMITH of Idaho. Director Davis, of the Reclamation Service, who has recommended the enactment of this bill strongly, states that there is no merchantable timber there. The bill provides that any timber there shall be removed from the reservoir site so there will not be any tree tops sticking up out of the water to mar the beauty of the lakes to be created.

It is proposed that roads shall be constructed in an artistic way, and great effort will be made to make the reservoirs attractive to the people who may possibly come into this section of the country when the roads are connected up in the park.

Mr. SNELL. What is the attraction for people to go into a section of country where they can not live?

Mr. SMITH of Idaho. There is no attraction there.

Mr. SNELL. That seems to be the situation almost with all parts of Idaho.

Mr. SMITH of Idaho. There are many scenic beauties in the Yellowstone National Park which are now reached by roads without going into this remote section consisting of swamps.

Mr. BARBOUR. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. BARBOUR. Is it not a fact now that there are no roads going into that area?

Mr. SMITH of Idaho. No; and no trails by which tourists might go in there. Occasionally white men may go in there to hunt.

Mr. BARBOUR. Is it not a further fact that this could be made an asset to the park, whereas it is now a liability?

Mr. SMITH of Idaho. Yes, sir.

Mr. RAKER. Will the gentleman please point out where the agricultural land is?

Mr. SMITH of Idaho (indicating on map). This land in eastern Idaho is the agricultural land to be supplied from that reservoir.

Mr. RAKER. That is south and west of the proposed dam?

Mr. SMITH of Idaho. Yes.

Mr. RAKER. There is no road leading through this section up to the proposed reservoir?

Mr. SMITH of Idaho. No; it is difficult to get in there. There is a trail up which possibly a wagon could go.

Mr. RAKER. But no automobile road?

Mr. SMITH of Idaho. No.

Mr. RAKER. How many people approximately live in this section who could be expected, if this road is built in there, to get the benefit of the park as well as everybody else that comes into that country?

Mr. SMITH of Idaho. Of course there are thousands of people living in eastern Idaho who might take advantage of it, but the people I am especially interested in are those who have homes and farms on this land, who are entitled to have this water, which the Almighty has placed there for their use, and which now runs unused to the Pacific Ocean.

Mr. RAKER. And this would help in the development of the park itself?

Mr. SMITH of Idaho. Absolutely so.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. SMITH of Idaho. I will yield.

Mr. McLAUGHLIN of Michigan. It seems to me that any canal or ditch company or association or corporation formed there who acquires the right to build and the use of that property, practically acquires title in fee of the area covered by the water that is collected there?

Mr. SMITH of Idaho. They would have the same sort of fee that a railroad has when it is granted a right of way across the public domain.

Mr. McLAUGHLIN of Michigan. A private corporation is permitted practically to carry on business just as they please as far as the use of water by themselves and others are concerned, and they have that perpetual right against everybody else. Is that the idea?

Mr. SMITH of Idaho. There is nobody else who could utilize the water other than the people living on the land below.

Mr. McLAUGHLIN of Michigan. Somebody else might make use of it.

Mr. SMITH of Idaho. In any event, the laws provide that those who first utilize the water are entitled to it, and it is a question, as I say, whether or not this Congress is going to permit these farmers to save the rain and snow, which is supposed to be free to everybody, or deprive them of the opportunity of storing it for use as it is needed.

Mr. McLAUGHLIN of Michigan. I think everyone wishes them to have permission to use that and to have assistance in using it, but it seems to me a serious proposition to give the first one there the right for all time over that area.

Mr. SMITH of Idaho. Nobody else could use it but those living in that area.

Mr. McLAUGHLIN of Michigan. The one who gets there first can control it and direct how everybody else can use it for all time.

Mr. SMITH of Idaho. Nobody else could use it except the farmers who are located there.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. SMITH of Idaho. I yield.

Mr. TIMBERLAKE. In reply to the gentleman from Michigan [Mr. McLAUGHLIN], I would like to ask the gentleman from Idaho [Mr. SMITH] if the lands sought to be watered by the waters of that reservoir indicated are organized under the laws of the State of Idaho into an irrigation district?

Mr. SMITH of Idaho. Yes, sir; there are several districts organized, and they have a central organization and are raising the money among themselves to make the proposed improvements.

Mr. TIMBERLAKE. Then it involves all the people who belong in that district, and no individual would suffer or have any special rights such as suggested by the gentleman from Michigan.

Mr. SMITH of Idaho. It is for the benefit of the people who are now on the land and who, because of these shortages in snowfall, occasionally find that they have not sufficient water to save their crops.

Mr. ELSTON. Will the gentleman from Idaho yield for a unanimous-consent request?

Mr. SMITH of Idaho. Yes.

Mr. ELSTON. Mr. Speaker, I ask unanimous consent that the bill H. R. 5006 retain its place on the Unanimous Consent Calendar according to the regular procedure.

The SPEAKER. The gentleman from California asks unanimous consent——

Mr. McLAUGHLIN of Michigan. Not to be brought up again to-day?

Mr. ELSTON. Not to be brought up again to-day.

Mr. McLAUGHLIN of Michigan. With that understanding, I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TINKHAM. Will the honorable Representative from Idaho yield?

Mr. SMITH of Idaho. I yield to the gentleman from Massachusetts.

Mr. TINKHAM. Mr. Speaker, I have received the following communication from the American Civic Association, and it was upon their communication and also one from Frederick Law Olmstead that I make objection. I think the honorable Representative from Idaho is entitled to hear what those communications contain, as is the committee. Referring to the bill now before the committee, the communication from the American Civic Association says:

> The act in question seems to us who are interested in the preservation of the Yellowstone National Park in accordance with the purpose manifested in the act of March 1, 1872, when it was set aside, to be a very unfortunate and improper attempt to exploit for the benefit of a comparatively few persons the precious and unreplaceable property of the whole Nation.
>
> We also believe that it is an erroneous and indefensible procedure to refer the determination of this matter to the Secretary of the Interior, for if Congress knew its own mind when it set aside the Yellowstone National Park as such, it certainly ought to have the opportunity to change the ideals concerning that park without depending upon an administrative official.
>
> I also draw your attention to the report accompanying Mr. SMITH'S bill, in which the claim is made that the consummation of the park destruction aimed at would largely increase the product of certain agricultural operators in the lower and contiguous portions of Idaho. On page 7 of that report there is a sworn statement of a seed-producing concern which gives the actual situation in respect to six successive crops in the valley to be benefited, ranging from 1914 to 1919. By this statement it is shown that of the six years five were abundantly successful, and the sixth year, 1919, by no means a failure. It would seem to any reasonable man that the farmer who can secure five successful crops out of six scarcely needs relief at the hands of the Federal Government, or, rather, at the expense of the people of the Nation, unless at the same time it is proposed to afford relief to the business man who after five successful years finds himself lacking a profit in the sixth.
>
> There is reason to believe that the introduction of this measure is merely the entering wedge toward a wholesale exploitation of the water resources of the Yellowstone National Park. In fact, the engineer of the Fremont-Madison Reservoir Co., the applicant for this special privilege, has admitted that under the permission given by the Secretary of the Interior to investigate the possibilities in the Betcher Valley Basin, those investigations were pursued so that the ultimate design includes the use of the Yellowstone Lake as an irrigation reservoir.
>
> If such a diversion from the original purpose manifested by Congress in the act of March 1, 1872, is to occur, it ought to be a diversion by Congress, and not indirectly through the Secretary of the Interior or any other official.
>
> Information has just reached me to the effect that the section of the Yellowstone National Park which is to be changed into a reservoir is the haunt of certain sadly diminished wild animals, which, of course, will perish if the design to maintain Yellowstone National Park in its original primitive wildness is interfered with by those who feel that losing one crop in six is too much of a risk.

I venture to urge on behalf of a large and influential membership, including able men and women in every State in the Union, that you interpose every objection to the passage of this bill. I am informed that it is now on the Unanimous Consent Calendar, and may come up every Monday, with the opportunity to slip through the House, as a similar enactment has slipped through the Senate. At least such action should be taken as would force the proponents of this scheme to argue their case fairly and squarely before a committee of Congress, with an opportunity to come back on behalf of the public.

Very truly, yours,

ELEANOR E. MARSHALL, *Secretary.*

Mr. SMITH of Idaho. Mr. Speaker, evidently Mr. Olmstead does not know much about——

Mr. TINKHAM. That is the American Civic Association.

Mr. SMITH of Idaho. Oh, yes; I know about this organization; but they do not know very much about farming in irrigated countries. If an irrigation farmer loses a crop once in six years, he is practically forced into bankruptcy, because he has had to spend so much money to keep up the water systems and pay the water-right assessments, maintenance fees, and so forth; and if he does not have a crop every year he is conducting a losing proposition, whereas in the eastern country, where you do not depend upon irrigation, you do not have to incur so much expense to maintain your land and to put in your crop, and as a result you can afford to lose a crop once in three years or four years and not be particularly harmed.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, is there objection?

Mr. TINKHAM. I object.

Mr. SMITH of Idaho. Mr. Speaker, I ask that the bill remain on the calendar.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

NATIONAL EDUCATION ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10917) to amend an act entitled "An act to incorporate the National Education Association of the United States" by adding thereto an additional section.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to incorporate the National Education Association of the United States," approved June 30, 1906, be amended by adding an additional section to said act, which section shall be designated section 12 and shall read as follows:

"SEC. 12. That said corporation may provide, by amendment to its by-laws, that the powers of the active members exercised at the annual meeting in the election of officers and the transaction of business shall be vested in and exercised by a representative assembly composed of delegates apportioned, elected, and governed in accordance with the provisions of the by-laws adopted by said corporation."

The SPEAKER. Is there——

Mr. BEE. Mr. Speaker, is this bill for the National Education Association?

The SPEAKER. It is.

Mr. BEE. Reserving the right to object——

The SPEAKER. Consent has already been given. The question is on the engrossment and third reading of the bill.

Mr. BEE. Mr. Speaker——

Mr. FESS. Would the gentleman like to discuss the bill?

Mr. BEE. I would like to ask the gentleman from Iowa some questions about it. I want to say very frankly to the gentleman from Iowa [Mr. TOWNER], because I believe he knows it, that my interest in matters of education has been a very large one always. I have discussed the matter with the gentleman from Iowa upon other occasions. I am not familiar with the provisions of this particular act; but is the effect of this law to concentrate in the Federal Government eventually—not, perhaps, by the provisions of the law itself—control and supervision of the education in this country? In other words, not talking now about the rights of the States—but education has been getting along very well with the States—what good is to be accomplished by this association in the cause of education that will not impinge or infringe upon the control of education by the States themselves? I am not familiar with the provisions, and I am asking the gentleman from Iowa for information.

Mr. TOWNER. Mr. Speaker, this bill has nothing to do with the proposition that the gentleman is asking about. The National Education Association is a voluntary association of the educators of the United States. The association was founded in 1857. It at first received a charter from the District of Columbia and later received a charter from Congress. According to the provisions of that charter the officers are to be elected and the business of the corporation transacted by the active members of the association. Now, the association has grown to be between 40,000 and 50,000 in active membership, so that it is impracticable to have a meeting of the active members. This bill provides that this association can amend its by-laws so as to have a representative meeting. In other words, it changes the form from a general democracy to a representative assembly. That is all that there is in the bill.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BEE. Has this association heretofore been incorporated?

Mr. TOWNER. Oh, yes.

Mr. BEE. It is now incorporated?

Mr. TOWNER. Yes. It was first incorporated by the District of Columbia and afterwards by an act of Congress in 1906.

Mr. BEE. It is an association of educators, and the only object of this bill would be to give them the authority to amend their by-laws so as to provide for a representative meeting instead of a meeting of all the active members?

Mr. TOWNER. That is exactly it.

Mr. BEE. And it does not contemplate interference and has no power, of course, according to the gentleman's statement, of interference or reaching out and seeking control of the education in the United States?

Mr. TOWNER. Oh, no; I will say it has no such power.

Mr. BEE. And no such authority?

Mr. TOWNER. No.

Mr. CANNON. What function does it perform?

Mr. TOWNER. It is a voluntary association of the teachers and educators of the United States in the colleges and county and State superintendents and teachers of the United States. It has been in operation since 1857.

Mr. CANNON. But what does it do?

Mr. TOWNER. It has its annual meetings and it publishes its proceedings. Its proceedings are sent all over the world, I will say to the gentleman, and form perhaps a body of educational discussion as valuable as anything else that we have in that line.

Mr. CANNON. Who pays the expenses?

Mr. TOWNER. They do themselves. They have their dues, just the same as any other voluntary association.

Mr. FESS. Mr. Speaker, does the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Ohio.

Mr. FESS. The association is made up of two classes, active membership and associate membership. The active membership fee annually is more than the associate membership fee, but with the membership fee as the only source of revenue, some years ago this association had over $100,000 in its treasury, so that it is not a matter that depends upon any outside support to assist it financially.

The only object, I will say to my friend from Illinois, is, as suggested by the gentleman from Iowa [Mr. TOWNER], an annual meeting in the summer of the entire membership, or at least it is open to the entire membership, and a second meeting in the spring, usually in February, of those identified with the superintendents, known as the superintendents' section, and of these two meetings all of the proceedings, including all of the addresses, are printed in an annual report.

I want to supplement what the gentleman from Iowa [Mr. TOWNER] has said, that these reports, extending back before the Civil War, form the most expert body of information on educational democracy that is extant anywhere to-day in the world, and the association is not dependent upon benefits in the form of contributions from either State, county, or Federal governments, but it is a matter purely dependent upon its own membership.

Mr. CANNON. Is it an organization for propaganda and controlling legislation or asking legislation, or is it a grand powwow and a banquet?

Mr. FESS. I have never known it to have the grand powwow or the banquet, and I have never known it to be offensive in legislative matters.

Mr. BEE. Mr. Speaker, will the gentleman permit a question?

Mr. FESS. Yes.

Mr. BEE. In answer to the question of propaganda, I suppose that there is hardly any organization at this day and time that does not indulge in propaganda. As to the grand powwow, I will say to the gentleman from Illinois that a great deal of interest in these grand banquets has been removed by a recent amendment to the Constitution.

Mr. FESS. I am not interested in the banquet or the powwow, but I have had some correspondence from some of the officers now and then about some proposed legislation. I think that my friend from Illinois is not more offended than I am at unnecessary propaganda, and I believe that the National Education Association is pretty free from that charge. So far as I know it is as much so as the chamber of commerce.

Mr. CANNON. I am very glad to hear it.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TOWNER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE BAYOU BARTHOLOMEW, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12956) extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge authorized by act of Congress approved January 15, 1914, to be built across the Bayou Bartholomew, in the State af Arkansas, by Ashley County, are hereby extended one and three years, respectively, from the date of the approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ESCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY RESERVATION OF FORT LOGAN H. ROOTS, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13274) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas.

The title of the bill was read.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed, upon the payment by the Big Rock Stone & Construction Co., a corporation existing under the laws of the State of Arkansas, of such sum as he may determine to be the reasonable value of the premises (but not less than $150 per acre), to convey to the said company the following-described portion of the military reservation of Fort Logan H. Roots, near the city of Little Rock, State of Arkansas, to wit:

Beginning at the southeast corner of a 2-acre tract purchased from the United States by the Big Rock Stone & Construction Co., approved by act of Congress August 14, 1912; thence north 1° 18′ east 437 feet to the southeast corner of an 18.75-acre tract purchased from the United States by the Big Rock Stone & Construction Co., approved by act of Congress August 14, 1912; thence south 54° 30′ west along boundary line 250 feet to the southwest corner of said 18.75-acre tract, this point being also the northeast corner of the 2-acre tract above mentioned; thence south 33° 34′ east 350 feet along boundary of said 2-acre tract to point of beginning, same being a triangular parcel of ground located in the southwest quarter of section 28, township 2 north, range 12 west, containing 1 acre.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to enter into a revocable lease with the Big Rock Stone & Construction Co., a corporation as aforesaid, on the following-described portion of the military reservation of Fort Logan H. Roots, near the city of Little Rock, State of Arkansas, to wit:

From cut-stone monument in boundary line of military reservation of Fort Logan H. Roots, approximately 150 feet southeast of brick pumping station, run north 37° 52′ west 624 feet from point of beginning; thence south 54° 30′ west approximately 240 feet to bank of Arkansas River; thence in a northwesterly direction, following up the left bank of river, approximately 1,300 feet to boundary line of a 2-acre tract purchased from the United States by the Big Rock Stone & Construction Co., approved by act of Congress August 14, 1912; thence north 54° 30′ east along boundary line of said 2-acre tract to the southeast corner of said tract; thence south 33° 34′ east alongside of bluff 1,300 feet to point of beginning, same being a strip of ground lying along the east bank of Arkansas River in the southwest quarter of section 28, township 2 north, range 12 west, containing 7.21 acres, at a rental value to be determined by the War Department.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JACOWAY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. JACOWAY. Mr. Speaker, this bill authorizes the Secretary of War to convey to the Big Rock Stone & Construction Co., a corporation existing under the laws of the State of Arkansas, a portion of the military reservation at Fort Logan H. Roots, in the State of Arkansas. This company has numerous large contracts with the road commissioners of many of the special road districts of Arkansas for furnishing crushed stone for road-building purposes. In support of this bill I desire to read a letter from Hon. William B. Owen, commissioner of State lands, highways, and improvements, as follows:

The Big Rock Stone & Construction Co., of this city, have contracts for several hundred thousand tons of stone for good roads which are building and are to be built in this State. We know that there has been a great shortage of cars for shipment, and they have explained to us that if they could secure a certain tract of land along the base of the Fort Logan H. Roots Reservation, paralleling the spur track which leads into their plant, that this would enable them to store a large quantity of stone during the time that cars were not furnished. If you can secure the tract of land for them, I feel that it will be of inestimable value to the State in facilitating the increased storage and delivery of stone to the road districts of the State.

It is the intention of this company to use this land for storage purposes. They will run their crusher steadily and place the crushed stone on this space, so that when cars are received they can be loaded promptly and shipped. The passage of this bill will therefore greatly facilitate the road-building work throughout the State of Arkansas. This bill has the approval of the War Department.

The SPEAKER. The Clerk will report the next bill.

LESSEES AT CAMP FUNSTON, KANS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3706) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SNELL. Mr. Speaker, I reserve the right to object for the present.

The SPEAKER. The gentleman from New York reserves the right to object.

Mr. ANTHONY. Mr. Speaker, this bill, which has passed the Senate, is to authorize the Secretary of War to settle with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans.

These people erected buildings on a Government reservation for the purpose of supplying amusements and merchandise to the soldiers in that camp. They also contributed toward the construction of certain utilities in the camp. They paid to the Government 10 per cent of their gross receipts, which went into the fund for camp activities, and after three years had elapsed of their five-year lease, which provided that the Government should have the right to cancel the lease whenever it needed the land for military purposes or upon any military exigency, the Government ordered these men out of their property.

It occurred to the committee which considered the bill that the claimants had an equity, and we felt that it would be adjusted more quickly and to the best interests of the Government by conferring power upon the Secretary of War to make a proper adjudication of these claims, if upon investigation it was found that they had an equity, and that is the shape in which the bill is reported to the House.

Mr. SNELL. Will the gentleman yield two minutes to me?

Mr. ANTHONY. I yield to the gentleman.

Mr. SNELL. Mr. Speaker, this bill has been considered for some time by the Committee on War Claims. I feel that perhaps there are some of these men at Camp Funston who have a legitimate claim against the Government. In our deliberations we thought that if anything was done, it should be confined entirely to the people who sustained an actual loss on account of the Government having taken away their buildings and that perhaps the best way would be to let the people who had actually sustained the loss present their claim to the Court of Claims.

When the proposition was first brought to the attention of the War Claims Committee it was understood that there were only three different parties who had sustained actual loss, but later on, as the testimony was received, we found that there were several who thought perhaps they had sustained a loss.

I think that first we ought to find out the total amount of the claims made against the Government before any legislation is proposed, and I should like to ask the gentleman from Kansas if he knows anything about the total amount of these claims.

Mr. ANTHONY. I do not. I have never seen any figures, and I do not believe they have been put in concrete shape.

Mr. SNELL. The original statement made before the committee was that perhaps they would not exceed more than $150,000. Then afterwards there were several others that they did not know about.

Now, it seems to me this is opening up an entirely new field. These people had a definite contract with the Government. Of course, as everyone knows, when a man went there as a concessionnaire he went there for the purpose of making money, at least the majority of them did. If the war had lasted longer, of course they would have made more money; but it turned out that there were three or four or perhaps more who did not. I think it is a matter that should be considered very carefully and all the safeguards possible put around it; but I am not opposed to the people receiving the pay who have sustained actual losses from the fact that the Government took the property away from them.

Mr. ANTHONY. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. ANTHONY. Some of the gentlemen who are interested in these claims have suggested the propriety of amending this bill by authorizing the claimants to go to the Court of Claims, the court to find only for those who sustained losses in their business enterprises there. Does not the gentleman think that would open up a rather dangerous precedent, to promote the idea that the Government ought to recoup people who sustained losses?

Mr. SNELL. It would not seem like that to me. It seems to me only a plain proposition. There is no legal obligation, as far as the Government is concerned, but, on the other hand, perhaps there may be some moral obligation from the fact that the Government has taken away buildings which they have built there and they have not had an opportunity to carry on their business long enough to get back the original cost. That may be the foundation for some moral obligation, but, of course, that is rather an uncertain proposition, and for this reason I think we should be pretty careful about any general and far-reaching powers we give anyone for settling these claims. We certainly can not be too careful in these matters.

Mr. ANTHONY. If the gentleman will yield again, I will say that it occurred to some members of our committee who considered the bill that it would be better to confine the questions involved simply to those involved in the adjudication of the contract itself and of any equity that might lie in their claim, rather than to go into the question of those who had sustained loss, because that would open up a dangerous line of precedents and might involve the Government in considerable expense; and if these people have no valid or legal claim, the law officers of the War Department would certainly protect the interests of the Government.

Mr. SNELL. The Government complied absolutely with the contract that it made with each one of these people, and those who appeared before our committee did not claim that there was any legal obligation on the part of the Government.

Mr. ANTHONY. But would not the gentleman take the position that if the Government had complied with all the requirements of the contract no claim exists, and that the Secretary would so find?

Mr. SNELL. I would not want to take that position after the Secretary of War has said that he thinks they ought to be paid something.

Mr. EVANS of Nebraska. As I understand the situation it is this, that if we assume the position taken by the gentleman from Kansas [Mr. ANTHONY] we then enter into the field of speculation, because there is no way to tell what they would have made if the war had continued, and they were not entitled to anything except such as they would earn in the occupancy of their building; and Gen. Wood, in his testimony, states positively and definitely that there was no representation made as to the continued use of the camp for other purposes than for the preparation of men for war.

Mr. SNELL. I would like to offer this amendment for information.

The Clerk read as follows:

Strike out lines 3 and 4, page 1, and insert in lieu thereof the following: "that jurisdiction is hereby conferred upon the Court of Claims to hear and determine and render judgment for the amount it shall find and determine to be the net loss."

Strike out the period in line 2, page 2, and insert a colon, and add the following: "*Provided*, The claimant shall file his petition within one year after the approval of this act. In arriving at its findings the said court shall allow no profit to any claimant, nor shall the claimant be allowed interest in excess of 5 per cent per annum. The right of appeal is hereby granted to the claimant from judgment rendered by the Court of Claims."

Mr. ANTHONY. Mr. Speaker, it has been suggested that the bill be passed without prejudice until next Monday, and in the meantime the several gentlemen who have studied the matter may come to some agreement about the proper procedure.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

FEDERAL TRADE COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9932) a bill authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry inventions, patents, and patent rights, and for other purposes.

Mr. MacCRATE. Mr. Speaker, I ask that this bill be passed without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER NEAR KANSAS CITY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12891) to authorize the construction of a bridge across the Missouri River near Kansas City.

Mr. ESCH. Mr. Speaker, in view of the fact that on April 17 the House passed the bill S. 4073, identical with this bill, I ask unanimous consent that this bill be stricken from the calendar and laid on the table.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill be laid on the table. Is there objection?

There was no objection.

TO ESTABLISH A WOMEN'S BUREAU.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13229) to establish in the Department of Labor a bureau to be known as the women's bureau.

The SPEAKER. Is there objection?

Mr. MERRITT. I reserve the right to object.

Mr. CAMPBELL of Kansas. Mr. Speaker, this bill simply establishes under permanent law what has been carried on in the Department of Labor for more than two years. As it is, it leaves appropriations for it subject to a point of order by any Member of the House, and it is a very unsatisfactory way to carry on an activity of the Government.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. McLAUGHLIN of Michigan. I find on lines 8 and 9, page 1 of the bill, the words "it shall be the duty of said bureau to formulate standards and policies." What is meant by those words?

Mr. CAMPBELL of Kansas. The general acceptation of the words as used so far as the activities of that bureau of the Government will be concerned.

Mr. McLAUGHLIN of Michigan. If they are as broad as that, they must embrace so many things that the gentleman from Kansas would be able to state some of them.

Mr. CAMPBELL of Kansas. They refer to standards——

Mr. McLAUGHLIN of Michigan. Standards of what—wages?

Mr. CAMPBELL of Kansas. No; standards of utilities and standards for the conduct of laborers, as they are now maintained in the department for both women and men.

Mr. McLAUGHLIN of Michigan. That is certainly general enough.

Mr. CAMPBELL of Kansas. Yes; it should be general. All of the activities of this department are now being carried on and have been ever since 1918. The activities of women in industry are greater now than they were then. There are more women engaged in industry in the country than there were the first year of the war.

Mr. McLAUGHLIN of Michigan. I have no objection whatever to the idea involved in the bill, but inasmuch as they are given some duty and some power and authority I would like to know just what power and duty and authority the bill does permit.

Mr. CAMPBELL of Kansas. They are the duties that are usually exercised in a matter of that kind. The duties that the Labor Bureau exercises with respect to men in industry we are prescribing for the bureau for women in industry.

Mr. McLAUGHLIN of Michigan. I did not know that the Bureau of Labor prescribed any kind of a standard. What kind of a standard does it prescribe—how much work a man must do or the hours he must work and under what conditions?

Mr. MERRITT. How little he must do.

Mr. CAMPBELL of Kansas. That is not the intention of it. The standard for women, for instance, who work in a store—whether women shall stand up or sit down when off duty. That is a matter that comes within the scope of this bureau.

Mr. McLAUGHLIN of Michigan. Would this bureau have authority to make regulations in respect to the matter the gentleman is speaking of and enforce them?

Mr. CAMPBELL of Kansas. No; not to enforce them, but to suggest them, as it is doing to-day. A committee of women came to Congress some years ago and suggested that the women clerks in Washington were not permitted to sit down from the time they entered the store until they left it. A committee of Congress brought in a bill requiring merchants in this city to put in stools to permit their clerks to sit down when they were not engaged in work. That is one of the things that would come within the scope of this bureau.

Mr. McLAUGHLIN of Michigan. That was a proper piece of legislation.

Mr. CAMPBELL of Kansas. It is for the purpose of suggesting such things as that that this bureau will have to do. They have no power to say to an industry you shall do this or you shall do that; they simply have the same power to make suggestions that the Bureau of Labor has with respect to the employment of men. The women entering industry in this country bring in new features, and there is no man who knows anything at all about the employment of women but knows that there should be different standards with respect to the utilities, the conveniences, the rest places that are provided by the employers in this industry for women.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, having listened to the gentleman's very lucid explanation, I have no objection whatever to the passage of the bill.

The SPEAKER. Is there objection?

Mr. MERRITT. Mr. Speaker, I reserve the right to object. The reason I think this bill is objectionable is that it makes into permanent law a war-time expedient. I think before we do that we ought to let the war get by, we ought to let this presidential year get by, and consider the Department of Labor and all other departments, with the idea of consolidating their activities and, if possible, economizing and making more efficient their operation.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. MERRITT. I yield for a question.

Mr. CAMPBELL of Kansas. So far as economy is concerned, we shall not spend any more money in this matter than we are spending to-day and, probably, will not spend so much.

Mr. MERRITT. We do not want to spend as much. Mr. Speaker, I think the women who have given this matter most attention believe that when women get all of their rights, as they have so many of them now—the same rights that men have—we ought not to differentiate as between men and women. Of course, in many respects, as the gentleman has pointed out, women must be treated differently from men, but I think to have a man's department and a woman's department in the Department of Labor is entirely wrong. I hope certainly that at all times there will be a certain number of women in that department, but I do not believe that now is the time to fasten onto that department a war-time expedient. Therefore at the proper time I shall object.

Mr. MONDELL. Mr. Speaker, I trust the gentleman will not object. We are carrying in the current sundry civil appropriation act an appropriation of $40,000 for the character of work which would be carried on under this bill. I think there is no doubt but that the Committee on Appropriations will make an appropriation for this work in the sundry civil appropriation bill, to be reported in a few days. I am rather inclined to think, if asked to do it, the Committee on Rules would be disposed to grant a rule to make that appropriation in order. The bill before us puts in proper legislative form, and in a very conservative legislative form, the direction of this work which is now being carried on without specific authority of law. I have no doubt but that it will be carried on—at least I hope it will—and I think it would be better to carry it on under conservative, constructive, specific legislation rather than as we are carrying it on now.

Mr. MERRITT. Mr. Speaker, it seems to me that this is not a constructive or conservative way to make this into permanent law, and therefore I object.

BRIDGE ACROSS ST. LOUIS RIVER, MINN. AND WIS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13387) to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin.

The SPEAKER pro tempore (Mr. SNELL). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge, authorized by act of Congress, approved August 7, 1916, to be built across the St. Louis River at a point suitable to the interests of navigation between the States of Minnesota and Wisconsin, from the village of Fond du Lac, a suburb of Duluth, Minn., to a point on the Wisconsin shore about 100 feet westerly from the mouth of Dubrey Creek, is hereby extended one year from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 9, strike out "Dubrey" and insert in lieu thereof "Dubray."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARSS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13253) to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Elmer Red River Bridge Co., to be composed of the following members, namely: B. F. Flowers and C. H. Harp, of Elmer, Jackson County, Okla., and W. T. Gibbons, of Odell, Wilbarger County, Tex., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Red River at a point near the southeast corner of section 24, township 1 south, range 21 west of Indian meridian, Jackson County, Okla., to a point south in Wilbarger County, Tex.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 9, after the word "point" insert the words "suitable to the interests of navigation."

Page 2, line 2, after the word "Texas" insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MCCLINTIC, a motion to reconsider the vote by which the bill was passed was laid on the table.

PILGRIM TERCENTENARY CELEBRATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 302, authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, how much appropriation does this carry?

Mr. LUCE. It carries $400,000, $300,000 for Plymouth and $100,000 for Provincetown, as recommended by the special committee of the House and Senate and further recommended by the Committee on the Library.

Mr. JOHNSON of Mississippi. Mr. Speaker, in the interest of economy, I am compelled to object.

Mr. LUCE. Will the gentleman reserve his objection for a moment?

Mr. JOHNSON of Mississippi. Mr. Speaker, I withdraw the objection.

The SPEAKER pro tempore. Is there objection?

Mr. McKEOWN. Mr. Speaker, this bill is on the Union Calendar.

The SPEAKER pro tempore. This is true, but it is considered automatically in the House as in the Committee of the Whole House.

Mr. McKEOWN. Mr. Speaker, we ought to have this resolution reported.

The SPEAKER pro tempore. Does the gentleman reserve the right to object?

Mr. McKEOWN. I reserve the right to object for the purpose of having the resolution reported.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 302) authorizing an appropriation for the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

Whereas on December 21 next will occur the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.; and

Whereas the Commonwealth of Massachusetts and the town of Plymouth have appointed a commission and a special committee to arrange plans for a proper and fitting observance of this historic anniversary; and

Whereas the plans contemplate the improvement and restoration of Plymouth Rock and the shore line where such landing was made, the improvement and protection of the burial grounds on Coles Hill and Burial Hill in Plymouth, where are buried the remains of those who succumbed to the rigors of the first winter and of those who died later, respectively, the erection of a memorial building, the placing of tablets at certain historic spots in the old Colony, and the undertaking of certain other improvements; and

Whereas the plans further contemplate the holding of certain appropriate exercises in December of the current year and also during the summer of 1921, for all of which matters there have been appropriated the sums of $275,000 by the Commonwealth of Massachusetts and $320,000 by the town of Plymouth, and in addition thereto assurances have been given that the expense of certain features of the celebration will be borne in whole or in part by certain patriotic or fraternal societies or organizations; and

Whereas the Commonwealth of Massachusetts has further created by legislation a commission to prepare plans for the participation in the celebration by the town of Provincetown, on Cope Cod, in the harbor of which the *Mayflower* first came to anchor, and has appropriated $50,000 to carry out the plans adopted by the commission; and

Whereas it is contemplated making certain improvements adjacent to the Pilgrim Monument in Provincetown, which was erected several years ago, the cost thereof having been borne from funds provided by the Legislature of the Commonwealth of Massachusetts, by the Congress, by the town of Provincetown, and by contributions of individuals, and it is now desired to provide a dignified and safe approach to the monument, to erect tablets or markers at certain points in Provincetown and the adjacent towns of Truro, Wellfleet, and Eastham, on Cape Cod, commemorating certain events associated with the landing of the Pilgrims at Provincetown, and to hold appropriate exercises in connection therewith and in conjunction with the observance of the landing of the Pilgrims at Plymouth and the establishment of their Colony there; and

Whereas a joint special committee of this Congress has considered the matter of the participation of the United States in the observance of this historic tercentenary and has filed its report and recommendations: Therefore be it

Resolved, etc., That there is hereby established a commission to be known as the United States Pilgrim Tercentenary Commission (hereinafter referred to as the commission) and to be composed of nine commissioners, as follows: Three persons to be appointed by the President of the United States, two Senators by the President of the Senate, and four Representatives by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. (a) That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of $400,000, to be expended by the commission in accordance with the provisions of this resolution.

(b) One hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Provincetown Tercentenary Commission, the town of Provincetown, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of completing and improving the approaches to and the grounds of the Pilgrim Monument at Provincetown, Mass.; of erecting suitably inscribed tablets or markers in the towns of Provincetown, Truro, Wellfleet, and Eastham, and for other work in connection therewith, in accordance with plans adopted by the Provincetown Tercentenary Commission.

(c) Three hundred thousand dollars of such appropriation may be expended under the direction of the commission and in cooperation with the Pilgrim Tercentenary Commission, the town of Plymouth, Mass., and such other agencies, public or private, as the commission may determine, for the purpose of restoring and improving Plymouth Rock and the shore line of the locality adjacent thereto, of protecting and improving the burial grounds upon Coles Hill and Burial Hill in Plymouth, Mass.; of erecting tablets or markers at appropriate places in the Old Colony, and for other work in connection therewith, in accordance with plans adopted by the Pilgrim Tercentenary Commission.

SEC. 3. That no expenditure shall be made or authorized by the commission until the Commonwealth of Massachusetts has, as determined by the commission, expended or contracted to expend the sum of $300,000 for the same purposes for which the commission may under the provisions of this resolution make expenditures. The United States shall not be held liable for any cost, expense, obligation, or indebtedness on account of the maintenance or upkeep of any property in respect to which any expenditure is made by the commission under the provisions of this resolution, nor for any obligation or indebtedness incurred by the Commonwealth of Massachusetts, the Provincetown Tercentenary Commission, the Pilgrim Tercentenary Commission, or any other agency or officer, employee, or agent thereof, for any purpose for which the commission may under the provisions of this resolution make expenditures. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission, but no expenditure shall be made or authorized by the commission except with the approval of a majority of the commissioners.

SEC. 4. That the Postmaster General is hereby authorized and directed to issue a special series of postage stamps, in such denominations and of such design as he may determine, commemorative of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass.

SEC. 5. That the provisions of sections 1 and 2 of this resolution shall expire December 31, 1921.

With the following committee amendments:

Page 3, line 7, strike out the word "two" and insert the word "four."

Mr. McKEOWN. Mr. Speaker, reserving the right to object, inasmuch as this carries such a large appropriation, I think we ought to have some explanation of the resolution.

Mr. LUCE. Mr. Speaker, it is a fortunate coincidence that this resolution comes before the House upon the 19th day of April, which in our State is celebrated as Patriots Day. Some years ago we joined two holidays, forming Patriots Days, out of the celebration of the Battles of Lexington and Concord, and out of Fast Day, a day that for more than 200 years had been a day of fasting provided by our Puritan forefathers as one of the two great holidays which they gave to this country, the other being Thanksgiving Day.

So it is not inappropriate that the House, if it sees fit, should to-day decide to share, not alone with Massachusetts, but, indeed, with all the English-speaking world, in the commemoration of the landing of the Pilgrims. The three hundredth anniversary of this epoch-making occurrence will come in December, a time of year when only indoor exercises will be possible. The main celebration is to follow in the succeeding summer. The commission appointed by the Commonwealth to determine what sort of a celebration would be most fitting, reached the conclusion that it would not advise an exposition or anything costly in the way of a temporary and passing observance of the day. It seemed to them more in harmony with the purposes of the commemoration, the solemn purposes, that we should show our recollection of this episode out of which sprang so much of our history, by some permanent memorial. The special committee appointed by the House and Senate, which visited the spot last year, agreed with the Massachusetts commission that this was the form that the commemoration should take, and the Committee on the Library, for whom I am speaking, also accepted that view. The result, therefore, of these three separate studies of the problem is an agreement that there shall be a permanent expenditure at Plymouth and at Provincetown. To take the matter chronologically——

Mr. McKEOWN. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. McKEOWN. As I understand this bill it carries $300,000 for Plymouth and $100,000 for Provincetown. Now, how much money does the Commonwealth of Massachusetts appropriate for that purpose?

Mr. LUCE. I was about to explain that at Provincetown, where a stately monument has been erected in part by the help of the Government, the State will expend $50,000, and if this bill prevails the Nation will expend $100,000 in furnishing suitable approaches to the monument. It is now almost inaccessible for vehicles and its surroundings are undignified and unworthy the monument itself.

Mr. HARDY of Colorado. Will the gentleman yield?

Mr. LUCE. I will.

Mr. HARDY of Colorado. Is this money to be used in buying up property around the monument?

Mr. LUCE. Only so far, I understand, as the approach may be cut through a parcel of land leading up the hill to the monument; but there is only a very small taking of property.

Mr. HARDY of Colorado. Is the larger part of this money to be spent in the buying up of property around there?

Mr. LUCE. Only a small part, I understand. The chief expenditure at Provincetown is the grading of the hill and the erecting of some sort of an approach, such as is found here at the Washington Monument.

Mr. HARDY of Colorado. Provincetown is going to get $100,000 out of this appropriation?

Mr. LUCE. Yes; and $50,000 from the State.

Mr. HARDY of Colorado. Does not Provincetown think it can get along with about half of that amount if we could not give the whole amount?

Mr. LUCE. On the contrary, they have urgently pleaded with the Massachusetts Members asking them to secure more. They do not think they can do the work adequately; but in the judgment of the commission which visited the spot, the Senators and Representatives who went there and with their eyes saw what ought to be done, this would be a reasonable amount to appropriate.

Mr. HARDY of Colorado. Does the gentleman think, in view of the financial condition of the country at this time, with the many necessary things demanded from other sources, considering the large bonus bill we are going to vote out in a week or two, that we should apppropriate $400,000 for a monument right now?

Mr. LUCE. That phase of the question received the most earnest consideration from your committee. The only answer to it is that the tercentennial observance of a great historical

happening is a matter that can no more be postponed than could be postponed the World's Fair at Chicago, which, the gentleman will recollect, came in the very middle of the disastrous panic of 1893. Time and tide wait for no man. A celebration of this sort can not be materially delayed. Therefore it seemed to your committees, both the special committee and the Committee on the Library, that action now is justifiable. However, with precisely the point in mind to which the gentleman has brought attention, they recommended an appropriation less than one-sixth of what the Government spent for the celebration of the settlement of Jamestown. At that time there was an expenditure by the Federal Government of $2,650,000 to commemorate the landing and settlement of the Cavaliers. We ask but $100,000 to commemorate the landing and settlement of the Puritans. At the St. Louis Exposition there was an expenditure by the Government of $11,000,000 and more, something like twenty-five times as much as is here contemplated. In view of present conditions, we felt we would not be justified in asking anything like—I do not think it ought to be called the generosity, but anything like the liberality of Congress on those previous occasions of kindred nature. It was thought if we could in a general way match what was being expended locally it would be a fitting and justifiable procedure.

Mr. WELLING. Will the gentleman yield?

Mr. LUCE. I will.

Mr. WELLING. If this money is appropriated, will the monument be erected by the date of the centennial exposition?

Mr. LUCE Permit me to say that the monument at Provincetown is already erected.

Mr. WELLING. I mean the monument provided for in the bill?

Mr. LUCE. No monument is provided for in the bill itself.

Mr. WELLING. The bill has reference to certain markers——

Mr. LUCE. Those markers are very simple and can be very easily provided. They are simply tablets such as historical societies have placed in so many places. The money at Plymouth is to be almost wholly expended on Plymouth Rock itself and its surroundings.

Mr. WELLING. And the bay?

Mr. LUCE. And the bay.

Mr. WELLING. Will that money be expended by the date of the centennial or go over for another year or two afterwards?

Mr. LUCE. The hope is that it will be expended on these approaches and surroundings by the time of the general celebration which comes in the summer of the year 1921. The celebration in December, 1920, must take place indoors. Whether the outdoor work can be completed this summer or not, I would not undertake to guarantee.

Mr. JOHNSON of Mississippi. Mr. Speaker, I renew my objection.

The SPEAKER pro tempore. The gentleman from Mississippi objects. The Clerk will report the next bill on the calendar.

YANKTON AGENCY PRESBYTERIAN CHURCH.

The next business on the Calendar for Unanimous Consent was the bill (S. 2442) authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, the following-described premises situate within the Yankton Indian Reservation, county of Charles Mix, State of South Dakota: Beginning at the northwest corner of lot 9, section 27, township 94 north, range 64 west of fifth principal meridian; thence south 25° 4′, west five and fifty-hundredths chains to the southwest corner of lot 2, section 34; thence north 64° 56′, west one and forty-hundredths chains, more or less, to the east boundary of the Presbyterian Church and school reserve; thence north 25° 4′, east five and fifty-hundredths chains, more or less, along the east boundary of the said Presbyterian Church and school reserve to the northeast corner thereof; thence south 64° 56′, east one and fifty-hundredths chains, more or less, to the place of beginning; containing seventy-seven hundredths acres, more or less; for the uses of said church upon the payment by said trustees to the Secretary of the Interior of the sum of $75, the value of said premises as heretofore found by due appraisal thereof.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the title of the bill H. R. 5163 be amended to correspond with the text.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to change the title of H. R. 5163 to correspond with the text. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill on the calendar.

COAST GUARD STATION, COOK COUNTY, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9228) to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CANNON. Let the bill be read.

The SPEAKER pro tempore. The Clerk will read the bill for information.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Lake Superior, in Cook County, Minn., in such locality as the captain commandant of the Coast Guard may recommend.

The SPEAKER pro tempore. Is there objection?

Mr. CANNON. I do not know whether I shall object or not. I would like to know something about it. Who stands for the bill?

Mr. CARSS. Mr. Speaker and gentlemen of the House, this Coast Guard station that is recommended to be established by this bill will protect about 200 miles of rocky coast on the north shore of Lake Superior. From the Canadian line to the port of Duluth there is absolutely no protection to commerce, and a good many accidents have occurred there, many fishermen having been driven out to sea and lost; in some cases were lost in full sight of their families and friends, who were powerless to render aid. The captain commandant of the Coast Guard recommends that this station be established at a place called Grand Marais, where there is a safe harbor, and there they have wireless radio and telephone connection and a lighthouse. The committee reported the bill unanimously, and the captain commandant of the Coast Guard recommended that in the interest of humanity and for the protection of navigation this bill for the establishment of this Coast Guard station be passed.

Mr. CANNON. What is to be the cost of it?

Mr. CARSS. About $60,000.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Speaker, this bill is on the Union Calendar.

The SPEAKER. The Chair will state to the gentleman that the Chair ruled several weeks ago that as to bills on the Unanimous Consent Calendar, when unanimous consent was given to their consideration, could be considered in the House as in the Committee of the Whole. The Clerk will read the bill.

The bill was again read.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARSS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORT DOUGLAS MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was House joint resolution 301, to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. McKEOWN. Mr. Speaker, I would like to ask that the resolution be reported.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation, Utah, to persons and corporations within said State, to be used for industrial and manufacturing purposes.

Also the following committee amendment was read:

Committee amendment: Page 1, line 7, after the word "purposes," insert "at such reasonable prices as may be fixed by the Secretary of War."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. GARRETT. May I ask the gentleman in charge of the bill why it is necessary to have an act of Congress? Does not the power now exist in the War Department?

Mr. OLNEY. In the absence of Mr. MAYS, who had this bill directly in charge, I will submit a letter in support of this measure from the Secretary of War. He says:

WAR DEPARTMENT, *March 25, 1920.*

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

SIR: With reference to your letter of March 20, 1920, requesting a report on House joint resolution 301, which authorizes the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes, I have the honor to advise you that the War Department recommends the passage of this resolution.

It has been ascertained that the removal of this sand will not be harmful to the reservation and that the Government will receive remuneration for the same.

Respectfully, yours,
NEWTON D. BAKER,
Secretary of War.

Mr. GARRETT. I will say that I have no objection to the bill. I wish to inquire, though, in regard to the legal situation.

Mr. OLNEY. I think probably a resolution of this kind is necessary, as it involves an expenditure of money, or perhaps rather a financial transaction—that is, the purchase of sand and gravel by residents near this reservation who would pay reasonable prices for sand and gravel obtained on the reservation.

Mr. GARRETT. I had occasion recently to make an inquiry about a matter of taking sand and gravel from a navigable stream, and I learned that the department now had authority, without any act of Congress, to permit that in so far as the Government's interest was concerned. Of course, they would have to arrange with the riparian owners about the rights to it. I wondered if we did not have a general law to cover military reservations. I assume, however, that this is necessary, or else it would not be offered.

Mr. McKEOWN. I would like to ask the gentleman if it is anticipated that persons may take this sand and gravel and speculate on it, instead of using it for their own buildings?

Mr. OLNEY. No. It is absolutely under the discretion of the War Department, who would protect both Government and the public, and the price is to be fixed within reason.

Mr. McKEOWN. I withdraw the reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The resolution was again reported.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. OLNEY, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

The SPEAKER. The Clerk will report the next bill.

COMMUTATION OF HOMESTEAD ENTRIES BY WORLD WAR VETERANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13592) to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to commute their entries.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. McKEOWN. Reserving the right to object, Mr. Speaker, what is the necessity for this bill?

Mr. SINNOTT. Mr. Speaker, the present law giving soldiers of the war with Germany a credit for the time that they served in the war compels them to live at least a year on the homestead. If they had served two years in the war they have to reside at least one year upon their homestead entries. Now, it has developed since the war that a number of soldiers were so severely wounded and incapacitated that they are unable to return to their homesteads.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. SINNOTT. Yes.

Mr. RAKER. This only applies to wounded and disabled soldiers?

Mr. SINNOTT. It only applies to wounded or disabled soldiers or sailors; those who were incapacitated during the war and are unable to return to their homesteads. It allows them to commute, and under the commutation laws one has to live 14 months on his homestead entry, less the absent period. This gives the incapacitated soldier an opportunity to purchase his homestead the same as a civilian may do to-day.

Mr. CANNON. How do you mean? He takes title without purchase, does he not?

Mr. SINNOTT. No; he takes title by paying $1.25 an acre. That is a privilege given to the civilian homesteader to-day.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. JOHNSON of Washington. I notice in the State of Oregon to-day a large number of soldiers are applying now, having a preferential right. Do they have the right to commute?

Mr. SINNOTT. This bill relates only to those who were disabled or incapacitated during the war.

Mr. JOHNSON of Washington. I wanted to know for information how the application was made. It seems soldiers have a preference right. They are going on the old California-Oregon line now.

Mr. SINNOTT. That is covered by a special act.

Mr. JOHNSON of Washington. They have a right to pay for the land later at $1.25?

Mr. SINNOTT. No. They pay $2.50 an acre, because the Supreme Court has held that the railroad was entitled to $2.50 an acre out of that grant.

Mr. JOHNSON of Washington. He gets the preferential right?

Mr. SINNOTT. I think perhaps he would get credit for the time he was in the service.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any settler or entryman under the homestead laws of the United States, who, after settlement, application, or entry and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to return to the land may make proof, without further residence or cultivation, at such time and place as may be authorized by the Secretary of the Interior, and receive patent to the land by him so entered or settled upon by making payment for the land at the price fixed by law as in case of commutation: *Provided*, That no such patent shall issue prior to the survey of the land.

Mr. GANDY. Mr. Speaker, I want to offer an amendment to this bill.

The SPEAKER pro tempore (Mr. SNELL). The gentleman from South Dakota offers an amendment, which the Clerk will report.

Mr. GANDY. In line 10, after the word "residence" insert the word "improvement," so that it shall read, "without further residence, improvement, or cultivation."

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GANDY: On page 1, line 10, after the word "residence" insert the word "improvement."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GANDY. On page 2, line 2, I move to amend by striking out all of line 2 down to the semicolon in line 3.

The SPEAKER. The gentleman from South Dakota offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GANDY: Page 2, line 2, strike out all of line 2 and down to the semicolon in line 3—

Mr. CANNON. What are those lines?

The SPEAKER. The Clerk will read.

The Clerk read as follows:

by making payment for the land at the price fixed by law as in case of commutation.

Mr. CANNON. I understood this was to affect the boys that were wounded and unable to go on the land. We are taking awfully good care of those boys now. It runs up into many hundreds of millions of dollars. This is to give them a homestead besides?

Mr. GANDY. Will the gentleman yield at that point?

Mr. CANNON. Yes.

Mr. GANDY. I want to say that my thought is that after having provided that there first should be a finding by the Secretary of the Interior that the man, because of his service in the war, is physically incapacitated from going on the land, he ought not to be required to pay for it; or, in other words, he ought not to start out on this land with a mortgage on it.

Mr. CANNON. If a man is physically incapacitated, if he is armless or legless or sightless or otherwise physically incapacitated, he is wonderfully cared for, with hospital treatment, and his dependents are cared for, and he gets his $100 or $120 a month, and so on. Now, the question in my mind is whether this be in point of fact in the interest of the men that I have described or whether the very moment it becomes a law they will be encouraged by speculators and agents, and so on, to pay them so much for their services.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield?

Mr. CANNON. Yes.

Mr. SINNOTT. This relates only to the soldiers who made their application for entry prior to November 11, 1918. It does not apply to soldiers returning from the war and thereafter making an entry.

Mr. CANNON. But it does apply, if they are not able to go on and get their $120 a month? Would it be apt to cut out soldiers who are not disabled and who are not receiving this money? Would it be so extensive that it would prevent them from getting the homestead?

Mr. SINNOTT. The amendment of the gentleman from South Dakota would give the soldier the land without any further payment. That is the effect of the gentleman's amendment. I think it should be adopted.

Mr. SMITH of Idaho. It would have the same effect as if he introduced a provision that the soldier would not be required to live upon the land the balance of the residence period. It simply excuses him from residence and allows him to make final proof.

Mr. SINNOTT. It also excuses him from making the payment of $1.25 an acre.

Mr. SMITH of Idaho. If he went there and lived six months more on the land, he would get the land anyway.

Mr. SINNOTT. Not many of them have made application.

Mr. CANNON. I am anticipating that it will not be for the benefit of the soldier but for the speculator, you know, who never was in the war.

Mr. SINNOTT. It could not be taken advantage of by anyone else applying for the land.

Mr. CANNON. I understand that; but they can hunt up this man, if the land is valuable, and charge him so much for their services.

Mr. SINNOTT. He would have to be a soldier who made the homestead entry prior to going into the war, and then became so disabled that he could not return to the land.

Mr. CANNON. I shall not object.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. SINNOTT, by unanimous consent, the title of the bill was amended to correspond with the text.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Yellowstone Park bill.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD on the Yellowstone Park bill. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that my colleague [Mr. WALSH] may extend his remarks in the RECORD on the Pilgrim memorial bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that his colleague [Mr. WALSH] may extend his remarks in the RECORD on the Pilgrim memorial bill. Is there objection?

There was no objection.

CLAIMS OF INDIANS IN CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12788) authorizing any tribes or bands of Indians in California to submit claims to the Court of Claims.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. CANNON. Let us have the bill read.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That all claims of whatsoever nature which any tribes or bands of Indians of California may have against the United States may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States for lands formerly occupied and claimed by them in the said State, which lands are alleged to have been taken from them without compensation; and jurisdiction is hereby conferred on the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribes or bands against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said court, they shall settle the rights therein, both legal and equitable, of each and all the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribes or any band thereof. The claim or claims of the said tribe or any band thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States shall be the party defendant, and any band or bands of said tribes the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by the aforesaid tribes or bands of Indians of California, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary; official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribes or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribes or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action, the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribes, subject to approval by the Secretary of the Interior and the Commissioner of Indian Affairs and under contracts negotiated and approved as provided by existing law, and in no case shall the fees decreed by said court be more than 10 per cent of the amount of the judgment recovered by such cause, such fee to be paid from said judgment.

With the following committee amendments:

After the word "equitable," in line 6, page 2, insert the following phrase: "which shall be based upon the fair value of any such lands at the time the treaties were ratified by the several tribes or bands of Indians, not to exceed $1.25 per acre."

After the word "thereof," in line 15, page 2, insert the words "including gratuities."

Line 18, page 2, strike out the word "five" and insert in lieu thereof the word "two."

Mr. CANNON. Mr. Speaker, in my judgment, this bill ought not to be considered with a handful of Members present, and therefore I object.

Mr. RAKER. Will the gentleman yield?

Mr. CANNON. I yield; but I am going to object.

Mr. RAKER. I should like to call the gentleman's attention to the fact that this morning already two bills on this calendar which are practically identical in form with this bill have passed the House—H. R. 5163 and S. 806.

Mr. CANNON. If those two ought not to have been passed, is that any reason why a third one should pass?

Mr. RAKER. They ought to have passed. This bill ought to pass, and I am satisfied that if the gentleman will permit me, I can call his attention to the extreme justice of it, and that he will not urge his objection.

This bill simply allows the Indians of California to present their claims to the Court of Claims to determine whether or not they have any rights against the Government; and it provides that all funds, gratuities, or otherwise that have already been paid them shall be charged up against the Indians and the Government given credit for such payments.

Full hearing was had on this bill by the committee when all the members of the committee were present. Representatives of the Department of the Interior and of the Indian Bureau were present, and I will say to the gentleman that the chairman of the committee said this seemed to be one of the clearest and plainest cases that had been presented since he had been chairman of the committee. It simply authorizes them to go into the courts and present their rights.

Mr. CANNON. What will happen then?

Mr. RAKER. Then, if they establish a valid right, the court may adjudicate what that is, deducting the amount already paid to the Indians by gratuities or otherwise.

Mr. CANNON. Yes. I call the gentleman's attention to section 3, which provides for the payment of the attorneys. We all understand about the attorneys in Washington, D. C., and we have a court that is already burdened, world without end. I object.

Mr. RAKER. Will the gentleman yield right there again?

Mr. CANNON. Yes; I yield.

Mr. RAKER. In the bill H. R. 1563 is this provision:

Provided, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

In the other bill, which passed this morning, S. 806, is this provision:

Provided, That in no case shall the fees and expenses decreed by said court be in excess of 10 per cent of the amount of the judgment.

That identical provision has been contained in all these bills in the past during this Congress.

Mr. CANNON. They would not have passed by unanimous consent with a handful of Members present if I had been in the House.

Mr. RAKER. The same gentlemen are here who were here when those bills passed, and I want to say to the gentleman this——

Mr. CANNON. Well, I object. I do not want to be discourteous. I will withhold the objection if the gentleman wants to talk further. The objection is not personal to him at all.

Mr. RAKER. I want to appeal to the distinguished gentleman from Illinois on this particular claim. There have been 10 or 12 bills reported out by the Committee on Indian Affairs that contain practically the same provision as this bill. This bill goes further than any of them in protecting the Government. In allowing credits to the Government for moneys advanced to the Indians it includes the words "gratuities," so that whatever the Government may have given these Indians it will get credit for and the Indians will be charged with the amounts which they have received.

Mr. CANNON. This reservation has been sold, has it not?

Mr. RAKER. Yes.

Mr. CANNON. Disposed of?

Mr. RAKER. Long ago.

Mr. CANNON. Under legislation?

Mr. RAKER. No; that is the trouble.

Mr. CANNON. Then it is not disposed of unless it is disposed of legally.

Mr. RAKER. It has been sold and disposed of. I know the gentleman will listen to this and will not object when he hears the facts.

Mr. CANNON. All right. Go ahead.

Mr. RAKER. In 1851 and 1852 there were tribes of Indians in California who entered into 18 treaties with the authorized agents of the Federal Government. The Indians then claimed under the treaty of Guadeloupe-Hidalgo between the United States and Mexico great tracts of land in California, and under the Mexican law and under that treaty it was theirs as of right, just as you and I own our property to-day. The Government entered into these treaties and the Indians reduced their claims altogether to 7,500,000 acres.

The Government agreed to give them that land in reservations. It also agreed to give them $1,500,000 in money. The Indians thought the Government would carry out its contract. They were to be faithful, were to abide by the law, were to assist the Government, which they did. Then the Federal Government went to work and took every acre of this land, and has sold it, and the Indians have not received 1 acre in return under these 18 treaties which they solemnly entered into with the Federal Government.

These Indians are now about 20,000 in number. All they ask is the opportunity to go into the Court of Claims and present their claims there to see whether or not they have any rights, whether or not the Federal Government took these 7,500,000 acres of theirs from them without just cause.

Mr. CANNON. There was a treaty with them?

Mr. RAKER. I had not quite finished. The Government took the land and the Indians got nothing.

Mr. CANNON. Then the Government has no right to take the land.

Mr. RAKER. But it took the land; the Indians are there and unprovided for. I appeal to the gentleman from Illinois to give these unfortunate Indians the permission to go into the Court of Claims and establish their rights.

Mr. CANNON. All this happened way back in 1852?

Mr. RAKER. Yes. I hope the gentleman will not object.

Mr. CANNON. I will object, for I think this begets a lot of lawsuits for speculators to work up claims. It has all the earmarks of a bill for the benefit of speculators, and I do not think it ought to pass.

Mr. RAKER. It has no connection with speculators; it has to be approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. CANNON. That is an easy job.

Mr. RAKER. I hope the gentleman, under the circumstances, will not object. Two similar bills have passed to-day with the same Members of the House here present now. I want to say that the Indians of California have had poorer treatment than any other Indians in the United States.

Mr. CANNON. I want to understand the gentleman a little further. As I understand it, these Indians claim to own this land. The treaty was made with them in which they relinquished all their rights and the Government paid them as it agreed to.

Mr. RAKER. No; it did not. That is the trouble; the Government has not paid them a cent, but took over this land.

Mr. CANNON. Then the Indians have not parted with their title?

Mr. RAKER. The Government took it under the Mexican title. They claimed it all, and if they found an Indian that they did not like on the land they moved him off and sold it. These Indians were without any counsel, without any adviser, and without anybody to protect them. They have been pushed from pillar to post and thousands have starved to death for want of protection. The Department of the Interior has thoroughly investigated the case and says that the Indians deserve better treatment; they have had poorer treatment than any other Indians in the United States. Now, I think we ought to give them a chance to present their claims to the Court of Claims.

Mr. CANNON. Well, Mr. Speaker, I will look into the matter further. It looks to me like there was an African in the woodpile. The Indians are all dead.

Mr. RAKER. No; there are 20,000 of them living.

Mr. CANNON. But they are the descendants of the original Indians.

Mr. RAKER. I know they are living, because I know where they live—all over the State of California.

Mr. CANNON. For the present, Mr. Speaker, I will object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill retain its place on the calendar. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, how often has this request been made with respect to this bill?

Mr. RAKER. This is the first and only time.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the resolution (H. J. Res. 302) with reference to the observance of the three hundredth anniversary of the landing of the Pilgrims retain its place on the calendar.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RAILROAD DEFICIENCY BILL.

Mr. GOOD, chairman of the Committee on Appropriations, by direction of that committee reported the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT reserved all points of order.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8690) for the relief of certain homestead entrymen.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EVANS of Nebraska. Reserving the right to object, Mr. Speaker, I would like to have some explanation of the bill.

Mr. TAYLOR of Colorado. Mr. Speaker, some time ago we passed some homestead laws providing that where a man has settled on less than 320 acres of what is known as arid, nonirrigable, dry-farming land, under the enlarged-homestead law, he may take an additional homestead entry of a sufficient amount of the same character of land, if he can find any vacant, to make up the 320 acres. There is a 20-mile provision in one law. In other words, Congress decided that every settler is entitled to 320 acres of arid, dry-farming land, and that that amount of that kind of land is necessary to make a living upon.

Mr. GANDY. If the gentleman will yield, I hope the gentleman does not want that statement to go into the RECORD. The permission is not limited to 20 miles; he may go to any place in the United States under the section law and get the additional land.

Mr. TAYLOR of Colorado. There was a 20-mile provision as to residence in one act, as I recollect it. The same kind of provision—as to allowing an additional entry of a sufficient amount of land to make up 640 acres—was passed in regard to the 640-acre stock-raising homestead. The Congress passed a law that every settler on the public domain was entitled to 640 acres of dry, arid, nonirrigable grazing land for stock-raising purposes as a stock-raising homestead. Since that time we have passed laws providing that where a man had made a settlement upon that character of land, and did not have the

full 640 acres of such grazing, stock-raising ground, he might take additional entry of such an amount as was necessary to make up the 640 acres. But that did not and does not apply to people who are settled in any of the forest reserves. A good many people all over the West took some dry pieces of land within the forest reserves to try to make a living. Some took 40, some 80, and some 160 acres. They could not, and can not now, take more than 160 acres in any forest reserve. So that all settlers within the forest reserves have 160 acres or less. Some of them have good land and have it, or parts of it, irrigated, and have good homes, and are quite prosperous. But many of them have dry and arid and barren land, and their limited amount is not enough upon which to support a family, and they can not get any more within the forest reserves, principally because the Forest Service will not let them; so they must get some more land outside of the reserves if they can or practically starve out.

The Interior Department says that it is not fair to limit a man that happens to have 160 acres or less of that character of land in the forest reserve and not limit the man on the outside. So this bill has the hearty approval of the Interior Department to put the two classes of settlers as near as possible on an equality. That is all there is to this bill. The gentleman from South Dakota [Mr. GANDY] has a suggestion which he desires to make in the form of an amendment, and I have no objection to it. The bill as I wrote it requires a settler to take land only within 20 miles of his original claim. He calls my attention to the fact that in some cases settlers can not get outside of the forest reserve within 20 miles. In other words, we should extend the distance or remove the 20-mile limit and let the man take it any place on the outside of the forest reserve wherever he can find any such land vacant.

Mr. BRIGGS. Is this land in detached portions? In other words, if he has a location of 75 acres he can get the other 245 acres?

Mr. TAYLOR of Colorado. Yes; outside of the forest reserve, the same as the present law is now, as applied to settlers outside of the reserves.

Mr. EVANS of Nebraska. And it must be of the same general character of land?

Mr. TAYLOR of Colorado. Yes.

Mr. EVANS of Nebraska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any homestead entryman of 160 acres or less of lands of the character described as subject to entry under the provisions of the enlarged-homestead act of February 19, 1909, and June 17, 1910, who has not submitted final proof upon his existing entry, and any homestead entryman who has submitted final proof, or received patent, for such an amount of lands that are of the character described in said act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land, of that same character, not in a national forest, and within a radius of 20 miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed 320 acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry as required by said act.

SEC. 2. That any homestead entryman of 160 acres or less of lands of the character described as subject to entry under the provisions of the stock-raising homestead act of December 29, 1916, who has not submitted final proof upon his existing entry, and also any homestead entryman who has submitted final proof or received patent, for such an amount of lands that are of the character described as subject to entry under the provisions of the said stock-raising homestead act, and who owns and resides upon the said homestead entry, where said lands are within a national forest, may make an additional entry for and obtain patent to such an amount of land of that same character, not in a national forest and within a radius of 20 miles from said homestead entry, as, when the area thereof is added to the area of the original entry, will not exceed 640 acres, and residence upon the original entry shall be credited on both entries; but improvements must be made on the additional entry equal to $1.25 for each acre thereof.

SEC. 3. That any person otherwise qualified who has obtained title under the homestead laws to less than one-quarter section of land may make an original entry and obtain title under the provisions of the enlarged-homestead act of February 19, 1909, and the act of June 17, 1910, for such an area of public lands designated thereunder, as will, when added to the area of the prior perfected entry, not exceed 320 acres, even though the former entry shall not have been designated, or be of the character subject to entry under the provisions of the said enlarged-homestead act.

SEC. 4. That any person otherwise qualified who has obtained title under the homestead laws to less than one-quarter section of land may make an original entry and obtain title under the provisions of the stock-raising homestead act of December 29, 1916, for such an area of public land designated thereunder, as will, when added to the area of their prior perfected entry, not exceed 640 acres, even though the former entry shall not have been designated, or be of the character subject to entry under the said stock-raising homestead act.

During the reading of the bill,

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. This bill is subject to debate?

The SPEAKER. Yes.

Mr. JOHNSON of Washington. I desire to strike out the last word.

The SPEAKER. This is a Union Calendar bill, and should be read by sections. The Chair recognizes the gentleman.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to interrupt the passage of the bill merely to call attention to the fact that here is another land law that hops back and forth between the Department of Agriculture and the Department of the Interior. In this bill we are trying to relieve men who homesteaded within forest reserves, the forest reserves being under the control of the Agriculture Department. They are, however, to find lands which have been or may hereafter be designated or classified by the Secretary of the Interior.

Mr. TAYLOR of Colorado. Outside of the forest reserves.

Mr. JOHNSON of Washington. Yes.

Mr. TAYLOR of Colorado. All this does is to allow a settler in the forest reserves to get another piece of arid land outside of the forest reserve sufficient in amount to make up, with what he has, the amount of 320 acres of dry-farming land or 640 acres of stock-raising land.

Mr. JOHNSON of Washington. Yes; and that is all very well for a homesteader in a dry, treeless forest reserve, who is up against it.

Mr. TAYLOR of Colorado. I know he is. I have some of them in my State.

Mr. JOHNSON of Washington. He has 160 acres and can not do much of anything except scratch for a livelihood.

Mr. TAYLOR of Colorado. Yes; and the poor fellow can not scratch hard enough on that kind of land to raise a family.

Mr. JOHNSON of Washington. But he can hop outside of the control of the Agriculture Department and into the control of the Interior Department and get another 150 acres of land, but you do nothing for the forest reserve fellow who is in a real forest reserve.

Mr. TAYLOR of Colorado. God knows I would like to do something for him if it were possible. I am as much in favor of doing that as is the gentleman.

Mr. JOHNSON of Washington. He is inside a real forest reserve. He went there and went right through the timber to get agricultural land.

Mr. TAYLOR of Colorado. That is true in the gentleman's State of Washington, but in my State and most of its intermountains the settler I refer to in this bill is not in or near any timber and did not pass through any to get to where he has settled.

Mr. JOHNSON of Washington. But this fellow that I am talking about is on a timber homestead in a forest reserve, where he has cleared 20 acres or so and is making a precarious living. He can not sell the timber.

Mr. TAYLOR of Colorado. I do not think his land would be designated as of this character. This bill will not apply to a settler on good land, or in timberland, only to dry land or rough or arid grazing land.

Mr. JOHNSON of Washington. Absolutely not. That is it. He can not move. He can not get another piece of land outside.

Mr. TAYLOR of Colorado. No. The settler the gentleman refers to is in dead hard luck.

Mr. JOHNSON of Washington. He is surrounded by a forest reserve and until the Government wants to buy his timber or authorizes him to sell it he can not dispose of it.

Mr. TAYLOR of Colorado. That is true; I fully realize that, and I would like to help him, but we can not do so in this bill. I am trying to relieve some settlers in my State.

Mr. JOHNSON of Washington. And the laws prohibit him from burning it, so he has an elephant on his hands. But nobody gives him any sympathy, because he is supposed to have some potential value in timberland that in thirty, fifty, or a hundred years from now may be sold.

Mr. TAYLOR of Colorado. But just because some of those settlers in his State are up against it the gentleman does not want to deprive many others of relief, does he?

Mr. JOHNSON of Washington. No; but I want to point out that the effort is always to relieve the fellow in the dry-grass country, but that the fellow in the timber is supposed by somebody to have stung the Government, which is not the case. I withdraw the pro forma amendment.

The Clerk concluded the reading of the bill.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 4, strike out the words "of the character described" and insert "which have been or may hereafter be designated or classified by the Secretary of the Interior."

Page 1, line 11, after the word "lands," strike out the words "that are" and insert "which have been or may hereafter be designated or classified by the Secretary of the Interior as."

Page 2, line 10, after the word "but," strike out the word "improvements" and insert "cultivation."

Page 2, line 12, after the word "act," insert:

"For the purposes of this act the Secretary of the Interior is authorized to designate as subject to the enlarged homestead acts lands within national forests."

Mr. GANDY. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 1, line 8, strike out "June 17, 1910," and insert "acts amendatory thereof and supplemental thereto."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GANDY. Also the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 6, after the comma, strike out the words "and within a radius of 20 miles from said homestead entry" and insert, after the word "entries," in line 10, the following: "if the additional entry is not more than 20 miles from the original entry, otherwise the residence requirements of the homestead laws must be complied with."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 16, after the word "lands," strike out the words "of the character described" and insert "which have been or may hereafter be designated or classified by the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 9, after the word "thereof," insert:

"For the purposes of this act the Secretary of the Interior is authorized to designate under the stock-raising homestead act lands within national forests."

Mr. JOHNSON of Washington. Mr. Speaker, I move to strike out the last word for the purpose of calling attention to the fact that the amendment comes to the very nub of the matter I discussed a moment ago. The amendment reads:

For the purpose of this act the Secretary of the Interior is authorized to designate under the stock-raising homestead acts lands within national forests.

The Secretary of the Interior does not look after lands within the national forests.

Mr. TAYLOR of Colorado. Let me call attention to the fact that this language says "for the purposes of this act." Now, the purposes of this act are to allow a man who has some dry-farming land or stock-raising land in a forest reserve to take the same character of land outside, but it started out by saying, "*Provided*," virtually, "That the land has been now so designated." I call attention to the fact that the land has never been so designated yet, and we give authority to the Interior Department to designate before getting the benefit of that act, so that clause was put in there merely for the purpose of allowing the Interior Department to designate a piece of land that a man now has. It does not let him get any more land, it designates no more land, but if Mr. Jones has got now a 160-acre homestead in the forest reserve or dry-farming land which never has been designated as such the Interior Department will have the right to designate that man Jones's land as dry-farming land for the purpose of letting him get the benefit of this act. It does not encroach any on the forest reserves at all——

Mr. JOHNSON of Washington. I wish it did encroach a little.

Mr. TAYLOR of Colorado. The trouble is we can not do that.

Mr. JOHNSON of Washington. Does the gentleman think now that the Interior Department fellow is to do some "designating" that he will go around with his surveying instruments and map-making devices?

Mr. TAYLOR of Colorado. No. It will only be on application. If a man applies to him and says, "I have been living here for 10 years on a piece of dry land; I can not irrigate it, it is arid land," he will ask to have the agent of the Interior Department, and they are the only ones who do that kind of work—ask to have one of those look at that land and report if it is the character of either an enlarged homestead or a stock-raising homestead, and if the agent of the Interior Department makes that report on that man's homestead then he will have the right to select outside.

Mr. JOHNSON of Washington. I hope it will work that way, but I am afraid that it will result in duplications between the two departments, who will cross each other and be engaged at the same time in doing the same work, all to the cost of the Government and to the confusion and detriment of the settler.

Mr. TAYLOR of Colorado. No; the forest reserves we do not encroach upon at all.

Mr. JOHNSON of Washington. I withdraw the reservation.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. TAYLOR of Colorado. I will.

Mr. McLAUGHLIN of Michigan. The Secretary of the Interior does not designate areas within the national forests which should be withdrawn from forest reserves and devoted to agriculture?

Mr. TAYLOR of Colorado. No, not at all; and this bill does not give him any such authority.

Mr. McLAUGHLIN of Michigan. The gentleman says that if any question arises whether or not these designated lands should be withdrawn the authority to designate is with the Secretary of the Interior.

Mr. TAYLOR of Colorado. The gentleman misunderstood me. I said the Interior Department is the only department that ever designates any land as dry-farming land subject to entry under the enlarged homestead act, or as stock-raising homestead land subject to entry under the 640-acre stock-raising homestead act, and if a man now has a homestead within a forest reserve—and there are thousands of them who have these arid dry-farming lands, which they can not irrigate, and they can not get more than 160 acres within a forest reserve under the present law—what the settler would have to do would be to apply to the Interior Department and ask them to send an agent to look at his homestead, and if the agent of the Interior Department reports that his homestead is of a character of land that is now designated, generally speaking, as dry-farming, enlarged homestead land, or as grazing, stock-raising homestead land, then he can make application for an additional tract of land outside the forest reserve. Now, the Forest Service has got nothing to do with that at all. That transaction does not affect the Forest Service at all.

Mr. McLAUGHLIN of Michigan. I understand this amendment suggested by the committee—I will read it:

For the purposes of this act the Secretary of the Interior is authorized to designate under the stock-raising homestead act lands within national forests.

Now, pardon me just a moment. It seems to me that authorizes the Secretary of the Interior to invade the jurisdiction of the Secretary of Agriculture and go into the national forest and designate lands that thereafter shall not be under the jurisdiction of the Secretary of Agriculture.

Mr. TAYLOR of Colorado. No; the gentleman is mistaken. The lands now occupied by those homestead settlers are entered now under the homestead laws. They are not a part of the forest reserves and are not subject to the jurisdiction of the Agricultural Department. They are within the exterior boundaries of the forest reserves, but they are not a part of them; and until they make final proof and obtain a patent to their claims they are under the jurisdiction of the Interior Department.

Mr. GANDY. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. GANDY. Now, all this proposed measure does is to provide that one within a forest reserve who has land of the character described in the enlarged homestead act or land of the character described in the section act may take such amount of that kind of land as will bring the total up to the total provided for either the enlarged homestead or the section act.

Mr. McLAUGHLIN of Michigan. This amendment authorizes the Secretary of the Interior to designate land within a forest reserve——

Mr. TAYLOR of Colorado. For the purposes of this act only.

Mr. McLAUGHLIN of Michigan. For such and such a purpose, whereas now he has not such authority. The only authority for designated lands within the national forests which shall be withdrawn from the national forests and devoted to any other purpose is placed under the jurisdiction of the Secretary of Agriculture, and he must pursue the exact method pointed out by the law.

Mr. TAYLOR of Colorado. Will the gentleman yield to me?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TAYLOR of Colorado. When a man now has a homestead claim within a forest reserve, why he is already outside of the forest reserve, so far as jurisdiction is concerned, notwithstanding his land is within the reserve. He is not under the Agricultural Department at all; he is under the Interior Department.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TAYLOR of Colorado. This bill does not let the Interior Department go one inch outside of its homestead claim.

Mr. McLAUGHLIN of Michigan. But this authorizes it to designate land for certain purposes within national forests.

Mr. TAYLOR of Colorado. No. It authorizes the Interior Department to designate the settlers' homestead claims only as to the character of its land.

Mr. McLAUGHLIN of Michigan. That is what the language means.

Mr. TAYLOR of Colorado. No. It says, "For the purposes of this act." What are the purposes of this act? To allow the homesteader who is now in the forest reserve and has got a valid existing homestead entry, and who is now under the jurisdiction of the Interior Department to-day—it allows the Interior Department to say whether or not that homestead is dry arid land, but not a foot outside of his own ground can the Secretary designate.

If the settler was outside of the reserve, he has a right to have 320 or 640 acres of it, owing to its character. My good friend from Oregon [Mr. SINNOTT] will tell you, and anybody from the West will tell you, that this bill does not encroach one inch upon the forest reserves or upon the Agricultural Department or its jurisdiction.

Mr. SINNOTT. Will the gentleman yield there?

Mr. TAYLOR of Colorado. Yes.

Mr. McLAUGHLIN of Michigan. Of course, I listen to the gentleman from Oregon when he talks about these matters, and he knows a great deal more about them than I do, but I know the meaning of plain words, and in my judgment it authorizes the Secretary of the Interior to exercise authority over lands within the national forests.

Mr. TAYLOR of Colorado. No. He is exercising authority only over lands now under his jurisdiction.

Mr. McLAUGHLIN of Michigan. It does not say so, and it is not safeguarded at all, in my judgment.

Mr. SINNOTT. All this amendment means is to authorize the Secretary of the Interior to examine the lands within the national forests to ascertain whether or not the present holding of the homesteader is of that character as to entitle him to take additional lands outside the forest. That is all this means.

Mr. TAYLOR of Colorado. And that has nothing to do with the Agricultural Department or with the Forest Service.

Mr. McLAUGHLIN of Michigan. That is, in case the regular procedure has been taken, the Secretary of Agriculture having set aside this land within the national forests, and it having been located as a homestead, the Secretary of the Interior has the right to examine and determine the character of it, and determine whether the man has some other rights at some other place?

Mr. SINNOTT. That is right. Outside of the forest.

Mr. McLAUGHLIN of Michigan. It may be properly drawn for that purpose, but it did not occur to me that that was its meaning. I like to see legislation drawn in such a way that it has only one meaning, and the head of a department can do only one thing—that is, what the Congress intended.

Mr. SINNOTT. Under this act there is no right given in any forest reserve, and this designation is made for the purposes of this act.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GANDY. Mr. Speaker, in line 20, page 2, after the figures "1916" and the comma, I move to amend by adding "and acts supplemental thereto and amendatory thereof."

The SPEAKER. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GANDY: Page 2, line 20, after the figures "1916," insert "and acts supplemental thereto and amendatory thereof."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, line 13, strike out all of section 3.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Also the following committee amendment was read:

Page 3, line 24, strike out all of section 4.

The amendment was agreed to.

Mr. GANDY. Mr. Speaker, I offer an amendment to section 2, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, after the word "forest," strike out the words "and within a radius of 20 miles from said homestead entry" and insert, after the word "entries," the following: "if the additional entry is not more than 20 miles from the original entry, otherwise the residence requirements of the homestead laws must be complied with."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—ayes 37, noes 1.

So the bill was passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JOHNSON of Washington. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. I notice that there are some other bills reported April 13 that are on this Calendar for Unanimous Consent. How does that happen?

The SPEAKER. The attention of the Chair has already been called to that. The Chair was going to state that he thinks those bills, while they are on the calendar, could not be considered to-day unless by special recognition of the Chair. Not having been considered will not injure their status.

THE VIRGIN ISLANDS.

Mr. TOWNER. Mr. Speaker, I ask the indulgence of the House to prefer a unanimous-consent request.

The commission that was appointed to visit the Virgin Islands and make report are filing their report to-day, and I ask unanimous consent that it may be printed as a public document of the House.

The SPEAKER. The gentleman asks that the report referred to be printed as a public document. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT. Mr. Speaker, I would like to be indulged for one moment to make a statement concerning this matter.

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. GARRETT. This report of the commission, of which I had the honor to be a member, is a unanimous report, and I think a most excellent one. I had nothing to do with drawing it, but I congratulate the gentleman who did draw it. I think it proper to say for the RECORD this, namely, that the commission reports that it is not deemed advisable at this time to undertake to change the plan of government now in operation. It suggests that there are some very vital and fundamental changes necessary in the system now in force, but proceeds upon the theory, and doubtless a correct one, that those now operating the government should first develop these new plans and processes. I think that is a correct idea.

I simply wish to say, Mr. Speaker, that in my opinion, under the act of Congress—the date of which I have forgotten, but it was the act providing for the temporary government and our taking over the islands under the terms of the treaty—under that act, in my opinion, before the present government of the Virgin Islands can change their laws it will be necessary to have an enabling act by Congress. I think that should be said in order that those charged with responsibility in the Virgin Islands may clearly understand in the development of their laws and their new system that it will require an enabling act on the part of Congress. That enabling act, I have no doubt, Congress will be glad to give if the changes they make meet with the approval of Congress.

Mr. TOWNER. Mr. Speaker, the question that is suggested by the gentleman from Tennessee [Mr. GARRETT] is an open question. The act by which we established the government in the Virgin Islands provided that the existing laws should be in effect until Congress changed them. However, the existing laws provide that the councils, which still continue in the islands, being the legislative assembly, should have the power to modify or to amend their laws whenever they so desire, so that there is a question as to just exactly how much power may be exercised by the existing councils.

Now, these councils have made, and are now making, a complete Americanization or recodification of the old Danish laws that have existed for many years in the islands. It was thought best by the commission that that work should be completed and that, in fact, it was best that they should be enacted by their local councils. It is always best that the local authori-

ties should pass their own laws, and then if they require any approval by act of Congress we may give them such approval as may be necessary. So I think it would be the unanimous idea of the commission that they should go on with their amendment and recodification of the laws, and that if any act of Congress is necessary to make them effective we can give it to them.

THE WOMEN'S BUREAU.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill that I am sending to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13229) to establish in the Department of Labor a bureau to be known as the women's bureau.

Be it enacted, etc., That there shall be established in the Department of Labor a bureau to be known as the women's bureau.

SEC. 2. That the said bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of $5,000. It shall be the duty of said bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall investigate and report to the said department upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such a manner and to such extent as the Secretary of Labor may prescribe.

SEC. 3. That there shall be in said bureau an assistant director, to be appointed by the Secretary of Labor, who shall receive an annual compensation of $3,500 and shall perform such duties as shall be prescribed by the Secretary of Labor.

SEC. 4. That there is hereby authorized to be employed by said bureau a chief clerk and such special agents, assistants, clerks, and other employees at such rates of compensation and in such numbers as Congress may from time to time provide by appropriations.

SEC. 5. That the Secretary of Labor is hereby directed to furnish sufficient quarters, office furniture and equipment, etc., for the work of this bureau.

SEC. 6. That this act shall take effect and be in force from and after its passage.

Mr. BLANTON. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Texas demands a second.

Mr. CAMPBELL of Kansas. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered.

Mr. CANNON. I do not know about that. Why should it be? There is just a handful of people here.

Mr. CAMPBELL of Kansas. We can get them here.

Mr. CANNON. I guess you had better get them.

The SPEAKER. Is there objection?

Mr. CANNON. I object.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Texas [Mr. BLANTON] will take their places as tellers. As many as are in favor of a second will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 31, noes 0.

The SPEAKER. A second is ordered by tellers.

Mr. CANNON. I think a quorum is not present. I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. It is clear that there is no quorum present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Clark, Fla.	Fuller, Mass.	Kelley, Mich.
Baer	Collier	Gallagher	Kennedy, Iowa
Bankhead	Costello	Ganly	Kennedy, R. I.
Barkley	Crago	Gard	King
Begg	Cramton	Goldfogle	Kitchin
Bell	Cullen	Goodwin, Ark.	Kreider
Benson	Currie, Mich.	Goodykoontz	Lampert
Black	Curry, Calif.	Gould	Langley
Blackmon	Darrow	Graham, Pa.	Layton
Bland, Ind.	Davey	Greene, Vt.	Longworth
Bland, Va.	Davis, Tenn.	Hamill	McAndrews
Boies	Dempsey	Hamilton	McArthur
Booher	Denison	Harrison	McFadden
Brand	Dent	Hayden	McKenzie
Brinson	Dewalt	Heflin	McKinley
Britten	Dominick	Hicks	McLane
Browne	Dooling	Hill	McPherson
Brumbaugh	Doughton	Hudspeth	Madden
Burke	Drane	Hulings	Mann, Ill.
Campbell, Pa.	Dupré	Humphreys	Mansfield
Cantrill	Eagle	Hutchinson	Mason
Caraway	Edmonds	Igoe	Montague
Carew	Ellsworth	Johnston, N. Y.	Moon
Carter	Evans, Nev.	Jones, Pa.	Mooney
Casey	Flood	Jones, Tex.	Moore, Va.
Chindblom	Freeman	Juul	Moores, Ind.
Morin	Reber	Small	Tague
Mott	Reed, N. Y.	Smith, Ill.	Taylor, Ark.
Neely	Rogers	Smith, N. Y.	Taylor, Tenn.
Newton, Minn.	Rose	Smithwick	Temple
Newton, Mo.	Rowan	Snell	Vaile
Nolan	Rowe	Snyder	Vare
O'Connell	Rubey	Steagall	Walsh
Paige	Rucker	Stedman	Ward
Pell	Sabath	Steele	Welty
Phelan	Schall	Steenerson	Wheeler
Porter	Scully	Stephens, Miss.	Williams
Radcliffe	Sears	Stevenson	Wilson, Pa.
Rainey, J. W.	Sells	Stoll	
Rayburn	Shreve	Strong, Pa.	
Reavis	Siegel	Sullivan	

The SPEAKER. On this vote 266 Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] has 20 minutes, and the gentleman from Texas [Mr. BLANTON] has 20 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, I desire that the gavel may fall when I have consumed as much as five minutes.

The SPEAKER. The Chair will notify the gentleman.

Mr. CAMPBELL of Kansas. This bill provides for the establishment under provisions of law in the Bureau of Labor of a woman's bureau. That bureau was created in the summer of 1918 and has been provided for by the Committee on Appropriations up until this time. The matter will undoubtedly be provided for in the appropriation bill this year, and it was thought to be the gracious and proper thing to do to pass a law under which that bureau should have an authorized existence in the Department of Labor.

Whatever else may be said, we may as well understand that from this time on women will have a greater part in the industries of the country in the future than they have had in the past. The war taught the women that they could perform useful labor in the industries of the country, and it also taught those engaged in industry that the women made good employees in many of the industries of the country. There is now no question about the necessity of providing for some regulatory measures for the proper employment of women. It is idle to say that their interests can be taken care of just as well by the Bureau of Labor under the control of men as under the control of women. If anyone will stop to consider for a moment, he will know that there are physical differences that the women understand, which make it important that provision be made in all the industries of the country for the methods under which the women work and for their accommodations while employed, which make it not only wise but humane that women shall have charge of this sort of thing.

I recall that a few years ago women employed in this city were not provided with the accommodations that humankind need. We passed a law making it necessary for those employing women to provide these human necessities for the women employed in those places. One of the men who strenuously opposed the measure providing for these necessities in his industry came back in six months and said that it was the best investment he had made in connection with his enterprise. He would not to-day be without the conveniences, the places for the women to rest, and so forth, that were provided for under that law. He would not dispense with them under any conditions.

The SPEAKER. The gentleman has consumed five minutes.

Mr. CAMPBELL of Kansas. I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, if the proper conditions prevailed in our Department of Labor, which will have the appointment of some and the supervision of all of the employees in this woman's bureau, to be provided under this proposed legislation, I would be heartily in favor of this bill. I heartily favor a woman's bureau such as planned, although I am against establishing new bureaus, as the Government is already overridden with bureaus now. But I would vote for this woman's bureau were it not for the awful conditions now existing in the Department of Labor.

Mr. CAMPBELL of Kansas. May I make a suggestion to the gentleman?

Mr. BLANTON. In just a moment. I do not wish just yet to be interrupted in the remarks I am making just now. But I call the attention of my colleague to the dreadful conditions which prevail in the Department of Labor at this moment. Let me read some excerpts of speeches from the RECORD. I read from the CONGRESSIONAL RECORD of April 12, 1920, pages 5551–5552, excerpts from the speech of Hon. ALBERT JOHNSON of Washington, the distinguished chairman of the Committee on Immigration:

Mr. JOHNSON of Washington. Mr. Speaker, I desire to call the attention of the House to the present situation concerning certain depor-

tation cases. I wish to call attention to the fact that this morning, if the Nickle Plate train from Chicago was on time, there arrived in New York from New Orleans one Paul Bosco, who is, in my opinion, a dangerous alien, an anarchist, and an enemy of this country. The evidence against this man was such that in New Orleans his application for release on bond was denied. Appeals were made to let him out on $500 bond and denied. These appeals were made by New York attorneys who devote much time to the interests of Socialists, I. W. W.'s, and anarchists. Next the appeal was made to have the bond fixed at $1,000, and to have the alien transferred to New York. Weinberger, who continuously represents anarchists, got this fellow's bond reduced to $1,000, the bond to be placed at Ellis Island, New York, the man to be transferred from New Orleans to New York at Government expense, and there to be released on that bond, there to connive and bring about proceedings that will keep him in the country, even though he said at his hearing that he did not care to have an attorney; that he was perfectly willing to be deported; even though he stood up in the court room at Morgantown, W. Va., after he had been convicted, and said that he hoped the red flag would replace the Stars and Stripes in the United States at an early date.

Thus in no uncertain terms our chairman of the Immigration Committee, who has had one branch of the Department of Labor under investigation for some time, charges Louis F. Post, Assistant Secretary of the Department of Labor, with collusion with anarchists against the interests of this Government.

But let me quote further from the speech of this distinguished chairman of the Committee on Immigration:

Mr. JOHNSON of Washington. This alien Bosco believes in force against the Government. He wants the red flag in place of the Stars and Stripes. And yet, Mr. Speaker, I say that it is more than an even bet that he will never be deported from the United States.

Mr. BLANTON. That is what I have been telling the gentleman for months.

Mr. JOHNSON of Washington. We have plenty of law. Something is the matter with the execution of it. When there is doubt, the decision is against the Government.

According to the newspapers on Saturday morning, the Assistant Secretary of Labor, in the case of Thomas Truss, of Baltimore, arrested as a communist and ordered deported, has ordered Truss released. He referred to this case at length as typical of the thousands which he will be called upon to decide, and will, I suppose, release ninety-five out of every one hundred thereof.

And, Mr. Speaker, this chairman of the Immigration Committee on April 12, 1920, placed in the RECORD data concerning anarchist cases evidencing that numerous anarchist enemies of this Government have been protected, favored, and released from deserved deportation by Louis F. Post, the Assistant Secretary of Labor.

But let me quote further from the gentleman's speech:

Mr. JOHNSON of Washington. Let me explain the situation: Here is the Department of Justice making a number of arrests, 2,700 or more, for deportation. The cases are turned over to the Department of Labor. The Commissioner of Immigration recommends deportation. The Assistant Secretary of Labor cancels the warrant. The Department of Justice can not make a charge against another department of the Government, or does not want to. But, if it answers the gentleman, here is the Department of Labor, through the Assistant Secretary, Mr. Post, resolving in favor of the alien wherever he can. The net result is that the large amount of money authorized by this Congress to be placed in the Department of Justice for arrest of radical and revolutionary persons has gone for little, and the further great amount placed in the hands of the Department of Labor for the deportation of such undesirable aliens has likewise gone for little. The law says the decision of the Secretary shall be final.

Now, Mr. Speaker and colleagues, the foregoing comes from the chairman of one of our committees which has had this matter under investigation and should know whereof he speaks. It is just what I have been telling you on the floor of this House during the past year or more, that the Department of Labor is turning loose dangerous anarchists faster than the Department of Justice can apprehend them, and when they are tried and convicted of anarchy and ordered deported they appeal their cases, and this Assistant Secretary of Labor, Louis F. Post, sets aside their deportation judgments and releases them to further prey upon this Government.

Now, let me read to you an excerpt from a recent speech of the distinguished gentleman from Ohio [Mr. DAVEY]. I read from page 5671 of the CONGRESSIONAL RECORD for April 14, 1920, as follows:

Mr. DAVEY. Right here I want to bring out one of the saddest things in the history of the last few months of our Government. That is the action of one Louis F. Post in the Department of Labor. He serves in a Democratic administration, in a Democratic department, but what I am going to say is not an indictment of the Democratic Party, and I hope that no thought of politics will be injected into this. If it were an indictment of my party, I would mighty soon get out of it, but it is not. We have down there in the Department of Labor a man whose sympathies evidently are with the enemies of our Government. [Applause.] Just a little while ago this same man Post, after the warrant for the deportation of Ludwig Martens had been issued, withdrew this warrant and held up the deportation. Under our laws he has the power to do that. Furthermore, although Martens is the avowed enemy of our country, the avowed representative of Bolshevik Russia, and comes here to spread his damnable doctrines, yet this man Post allowed Martens to go free without bail on the recognizance of his attorney, ex-Senator Hardwick, and he assured Mr. Hardwick that he would take no action without consulting him.

Mr. CAMPBELL of Kansas. Now, will the gentleman yield?

Mr. BLANTON. Just one moment, and then I will yield to the distinguished gentleman from Kansas. Here is the Department of Labor, with an Assistant Secretary who has final say in all deportation cases affecting anarchists, concerning whom numerous Members of this House have already expressed an absolute want of confidence. Numerous Members of this House have charged this Assistant Secretary of Labor with malfeasance in office, friendly to criminals, and with favoring the anarchist enemies of this Government by preventing their deportation; and there is a resolution pending right now in this House to impeach him, and I understand that it has met with such favorable approval from the steering committee that it will be brought up here within a day or two under a rule from the Rules Committee, which now brings in this rule seeking to make this legislation in order. Why do you not go higher up? Do you believe that for 14 long months an Assistant Secretary of Labor has protected dangerous anarchists in this country and prevented their deportation and released them, not one or two or three but hundreds of them, without the knowledge of his superior officer?

Do you not believe that after it was brought to the attention of the Secretary of Labor through the various speeches and resolutions here in the House, and he has taken no action whatever in removing Mr. Post, that the Secretary of Labor himself condones and approves of his action? What other conclusion can you reach? It is the only conclusion that a reasonable man can reach. Has not Secretary Wilson been trying to free the anarchist Mooney? Yet you now want to put another department in his hands for maladministration. If they understood present conditions, our good women would vote against this measure just now, until we clean up this department.

Mr. CAMPBELL of Kansas. Will the gentleman yield now?

Mr. BLANTON. In one moment; I have not quite finished. I have before me volume 1, No. 1, April, 1920, issue of the Knot-Hole, a magazine just out, published in Washington. It has for its front-page salutation the following:

Conceived in sin and brought forth in Washington. We have no high moral purpose in publishing this paper. The Knot-Hole is simply a two-faced undertaking without manners or morals.

And on its editorial page 4 we find that Hugh Reid is editor and the following admission:

The Knot-Hole is sometimes scurrilous.

On page 286 of the Congressional Directory for February, 1920, we find that this Hugh Reid is private secretary to this same Louis F. Post, Assistant Secretary of the Department of Labor; and on page 1044 of the Official Register we find that this Hugh Reid is drawing from this Government a salary of $2,100, which, with his $240 bonus, makes $2,340 per annum. That is the salary he is drawing from the United States Government as secretary to Assistant Secretary Louis F. Post, of the Department of Labor, and at the same time he is editing a scurrilous magazine of this character. What does it do? It attacks Congressmen in a vicious way. It does not stop there. It attacks members of the Cabinet, and even the President himself—my President and your President. And yet you want to add another bureau to and put more employees in this Department of Labor. Here is a letter that I wrote Mr. Post on March 31 asking him whether or not Hugh Reid was one of his employees, and to this good day he has never answered it. Have I not the right to an answer as a Member of Congress? Not getting his answer, I had to find out some other way, by looking up the matter in the Directory and Official Register, that he was his private secretary, because I knew that Hugh Reid must be an employee of the Department of Labor as soon as I saw the scurrilous magazine edited by him and then found articles therefrom immediately reproduced in the Olden Advance, published in my district.

I am so glad that there is one man out of that Department of Labor that I do not know what to do. John B. Densmore is at last off the Government pay rolls to-day, thank God.

Mr. CAMPBELL of Kansas. Will the gentleman yield now?

Mr. BLANTON. In just a moment; I have not quite gotten through. You remember a year and a half ago when I began the fight against Densmore's $10,000,000 bureau in the Department of Labor some of you could not quite agree with me at that time. Here is a list of those highly paid officers in his department that by my fight we have at last gotten practically all of them off the Government pay roll. Now, my good colleagues, you can see the purpose I had through an investigation that I made by hard work at night when some of you were asleep. Mr. Speaker, I ask unanimous consent to put in the RECORD this list showing the employees that were on the pay roll of this department here in Washington on February 5, 1919, and the most of which now we have succeeded in cutting off the pay roll, and thank God that we have at last gotten rid of John B. Densmore and much of his crowd.

The SPEAKER. The gentleman from Texas asks unanimous consent to insert in the RECORD a list which he referred to. Is there objection?

There was no objection.

The list is as follows:

United States Employment Service—Salaries, administrative office, Feb. 5, 1919.

Title.	Number.	Rate.	Total.
Director general	1	$6,000	$6,000
Assistant director general	1	5,500	5,500
Assistant to director general	1	5,000	5,000
Do	2	3,500	7,000
Special assistant to director general	1	3,500	3,500
Assistant to director general	2	4,000	8,000
Do	1	3,500	3,500
Special representative	5	3,500	17,500
Do	2	3,000	6,000
Do	3	2,500	7,500
Special agent	1	4,000	4,000
Do	1	3,650	3,650
Do	4	3,500	14,000
Do	10	3,000	30,000
Do	10	2,500	25,000
Do	4	2,400	9,600
Do	5	2,250	11,250
Do	2	2,000	4,000
Director of division	4	4,000	16,000
Assistant director of division	1	3,500	3,500
Do	1	3,000	3,000
Assistant to director of division	1	3,600	3,600
Do	2	2,500	5,000
Do	1	2,250	2,250
Do	1	2,100	2,100
Do	1	2,000	2,000
Chief of section	1	4,500	4,500
Do	1	4,000	4,000
Do	1	3,500	3,500
Do	5	3,000	15,000
Do	2	2,700	5,400
Do	2	2,750	5,500
Do	3	2,500	7,500
Do	1	2,400	2,400
Assistant chief of section	2	3,000	6,000
Do	1	2,750	2,750
Do	1	2,500	2,500
Do	1	2,400	2,400
Do	1	1,800	1,800
Disbursing agent	1	2,750	2,750
Secretary (war labor policy board)	1	4,500	4,500
Secretary	1	3,500	3,500
Do	2	3,000	6,000
Do	2	2,000	4,000
Do	1	1,800	1,800
Do	1	1,740	1,740
Do	1	1,500	1,500
Do	1	1,440	1,440
Clerk (senior)	1	2,750	2,750
Do	1	2,620	2,620
Do	8	2,500	20,000
Do	1	2,400	2,400
Do	4	2,250	9,000
Do	1	2,220	2,220
Do	5	2,100	10,500
Do	5	2,000	10,000
Do	2	1,980	3,960
Do	10	1,860	18,600
Do	16	1,800	28,800
Clerk	1	1,740	1,740
Do	1	1,728	1,728
Do	1	1,720	1,720
Do	2	1,680	3,360
Do	14	1,620	22,680
Do	1	1,600	1,600
Do	2	1,560	3,120
Do	36	1,500	54,000
Do	1	1,440	1,440
Do	10	1,400	14,000
Do	23	1,380	31,740
Clerk (junior)	61	1,320	80,520
Do	4	1,260	5,040
Do	65	1,200	78,000
Clerk (under)	15	1,100	16,500
Do	12	1,080	12,960
Do	5	1,020	5,100
Do	1	1,000	1,000
Do	1	990	990
Do	1	960	960
Do	4	900	3,600
Do	1	780	780
Do	1	720	720
Do	1	600	600
Do	2	600	1,200
Telegrapher	2	1,600	3,200
Engineer	1	1,440	1,440
Electrician	1	1,320	1,320
Fireman	3	960	2,880
Messenger	2	1,320	2,640
Do	2	1,200	2,400
Do	1	1,080	1,080
Do	1	960	960
Do	6	900	5,400
Do	2	840	1,680
Do	1	780	780
Messenger (junior)	10	720	7,200
Do	7	600	4,200

United States Employment Service—Salaries, administrative office, Feb. 5, 1919—Continued.

Title.	Number.	Rate.	Total
Messenger (junior)	7	$480	$3,360
Watchman	1	1,200	1,200
Do	5	900	4,500
Elevator operator	2	900	1,800
Do	1	720	720
Skilled laborer	1	1,320	1,320
Do	1	1,140	1,140
Do	9	900	8,100
Do	1	780	780
Janitress	1	840	840
Charwoman	8	312	2,496
SPECIAL.			
Adviser on industrial relations	1	5,000	5,000
Special examiner	1	4,000	4,000
Special camp organizer	1	4,000	4,000
National field organizer	2	3,000	6,000
Do	1	2,400	2,400
Assistant to chairman (war labor policy board)	1	2,750	2,750
Associate director, boys' working reserve	1	2,750	2,750
National director, boys' working reserve	1	2,500	2,500
Assistant to Federal director (in charge of farm labor)	1	2,100	2,100
National director, women's land army	1	2,000	2,000
Assistant Federal State director (public service reserve)	1	1,800	1,800
Director, negro economics	1	4,380	4,380
Assistant director, negro economics	1	1,740	1,740
Supervisor of negro economics	2	1,740	3,480
Total	513	.....	861,214

Mr. BLANTON. Practically all the foregoing long list of useless employees have at last been gotten off of the pay roll, and no Government business has suffered, for there are more jobs now with good pay than there are men willing to work to fill them.

You will remember that during the debate on the sundry civil appropriation bill on Friday, February 28, 1919, I took the position that the balance of the previous appropriation made still available of $1,543,400, supplemented by the $1,800,000 provided for in H. R. 16187, passed that day, was amply sufficient to carry on the Employment Service, and I opposed the extra $10,000,000 demanded by Director Densmore. And when Mr. WATKINS offered his amendment to grant this department the additional sum of $10,033,808.10, I made a point of order against it, and the Chair sustained my point of order. Then the gentleman from Massachusetts [Mr. GALLIVAN] offered his amendment to grant this sum of $10,033,808.10 to this department, and again I made a point of order against it, which was sustained by the Chair. Then the renowned Socialist Member from New York, Mr. London, offered an amendment to grant it the sum of $10,000,000, and I again made a point of order against it, which was sustained by the Chair. Then the gentleman from Missouri, Mr. Decker, offered his amendment to grant the department $10,000,000, and again I made a point of order against it, which the Chair sustained. And thus this $10,000,000 was saved and not wasted, and now at last we have gotten most of these high-salaried, useless employees off of the pay roll.

Now, let me ask you one thing. Have you gentlemen an abiding confidence in this Assistant Secretary of Labor, Louis F. Post, who manages most of the business down there? He is the First Assistant Secretary of that Department of Labor, and has final say in anarchist cases. I am in favor of this legislation, and I would vote for it if that department could be cleaned out. But I will not vote for it now. It would have been cleaned out before this if unfortunately the President had not been taken sick. If he had not lost his health he would have cleaned it up so quick that it would have made their heads swim, but unfortunately he has not been able to look into these matters.

Are you willing to put this new bureau in the Department of Labor on the eve of passing upon impeachment proceedings against this Assistant Secretary? You may be willing, but I want to tell you that the people of this country are not willing that you shall do it. The people of the country are getting their eyes open on this question. Now I will yield to the distinguished gentleman from Kansas, chairman of the Committee on Rules.

Mr. CAMPBELL of Kansas. I want to say to the gentleman from Texas that at most the Assistant Secretary of Labor can remain in office only 10 months and 11 days longer. Fortunately, the gentleman from Texas has not assailed the Woman's Bureau that has existed in the Department of Labor for two years or more. [Applause.]

Mr. BLANTON. Oh, no; and I do not oppose this legislation, but most of the employees will be controlled absolutely by the

Assistant Secretary, and my friend from Kansas knows it, and I am not willing for Mr. Post to have this responsibility. Now, I do not want him to take my time any further, because I want to yield to the gentleman from Illinois. I yield to the gentleman from Illinois [Mr. CANNON] the balance of my time.

The SPEAKER. The gentleman has four minutes remaining.

Mr. CANNON. Mr. Speaker, I would like to have more time. The gentleman from Texas is for this bill on its merits and has consumed all of the time except four minutes in repeating his labor arguments, which we have heard before. I am not lecturing him, but I ask unanimous consent of the House that the time may be extended 15 minutes for the gentleman from Kansas and 15 minutes for myself.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I modify that request and ask unanimous consent that the time be extended for 10 minutes, giving the gentleman from Illinois 14 minutes and I ask for no additional time? Will that be satisfactory to the gentleman from Illinois?

Mr. CANNON. It will.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time be extended 10 minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I voted to submit the amendment to amend the Constitution of the United States giving women suffrage. I have advocated woman suffrage in my own State, where, so far as the State constitution would allow, she has the right to vote. The constitutional convention, I have no doubt, will give her full rights. I am not opposed to the women. My mother was a woman, my wife was a woman, my two daughters living are women, and the great-great-granddaughter will be a woman. She is a mighty handsome kid right now. [Applause.]

This appropriation was made last year for $40,000, which includes $5,000 for the lady who is employed as the head of the bureau, and it was done as a war measure. Then there is in addition to her the assistant and also the chief clerk provided for. I think very likely this bureau ought to be continued. I heartily agree that the Children's Bureau, established long before the war, is headed by one of the most competent women in the United States. I was very glad when she was appointed and that she has retained her position. Women know better about children than we men do and have more to do with forming their character.

This appropriation is estimated for and has been considered by the Committee on Appropriations, of which I am a member, and I am informed is to be carried for the coming fiscal year in the sundry civil appropriation bill. I oppose this motion to suspend the rules and make this bureau permanent law, because I would like to see it tried out for another year, until we can get that much further along in unscrambling the eggs. I have favored it heretofore. I shall vote for the appropriation, whether this legislation is had or not. No doubt the head of the bureau will be continued with the same salary. But how wonderful it all is, and does it not beat all how men fall over themselves? My good friend from Texas [Mr. BLANTON] performs about this Department of Labor and attacks it all along the line. It is not perfect, and I hold no brief to defend much of its action. There are many good employees down there—I do not know how many—but I think we would better wait a little bit. Let us bide a wee before we rush in and move to suspend the rules and create this bureau permanently in the Department of Labor.

There are many of these departments that to some extent will need to be upset. It is all on a war basis now. Let us get our heads and see whether it ought to continue entirely along the line on this war basis. "Oh," said a friend to me, "CANNON, you can not afford to vote against this proposition, for women are voting now." I said, "I was once challenged years ago about the women voting," and I laughed and said it satisfied my woman audience when I said to them, "You women are as good politicians as we men; you bear the children, you nurture them, you form their character, and when politics comes up you take your share. You control your husbands more than they control you, and you mold the children; and what is to become of us poor men when, added to all of that, you vote?"

I say again that I have no objection to their voting. Oh, how gentlemen fall over themselves when they are assured that the House will have a chance when we report the sundry civil appropriation bill to continue this bureau! They tell us that the women will be angry unless they pass this legislation. The women not only bear the children and nurture them and control their husbands more than their husbands control them, but we are told that they must go to work. God grant that they will not have to work any more in any munition factories; that they will not have to work as the men return and pick up the burden of doing the work. I want the women to become mothers who will build homes. I have no objection to their voting. That is all right; but how we do fall over ourselves! Being assured that this appropriation will be reported, gentlemen fall over themselves and move to suspend the rules and make this a permanent act of legislation.

Oh, I do not agree with Madam Roland. It is said that she said away back in the French Revolution, "The more I see of men, the better I like dogs." I suppose that was correct away back there in that great revolution, but it does not apply at present in its full force. But the more I see men just turning double somersaults, the more I hear them say that this is a good political move and that we ought not to turn it down, the more I am inclined to say to you that I do not think, whether this passes or does not pass, that it is going to affect 10 votes in the United States. [Applause.] If the time comes for me to determine what my course shall be in the future, I want to get rid of the fever heat that is all over the country; I want to see how much the general expenditures can be properly reduced. I do not want to reduce them in passion. I do not want to do it hurriedly; but propositions of this kind and many other kinds can well wait until we do get down to normal. That is all I have to say. I reserve the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, if I understand the gentleman from Illinois [Mr. CANNON], it is very bad policy for the Congress to pass a law providing for this bureau and a very wise thing for the Committee on Appropriations to have appropriated for it. I do not quite get the logic of that sort of a situation. I yield five minutes——

Mr. CANNON. Oh, I thought the gentleman said he was not going to use any additional time.

Mr. CAMPBELL of Kansas. I yield two minutes——

Mr. CANNON. Oh, I have no objection to the five minutes, but I am going to ask to be recognized for the remainder of my time.

Mr. CAMPBELL of Kansas. How does the time stand?

The SPEAKER. The gentleman from Illinois has six minutes and the gentleman from Kansas 15 minutes.

Mr. CAMPBELL of Kansas. I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I do not quite understand why there should be any opposition to this measure. All of us who take the kindly and sympathetic view of the gentleman from Illinois would be happy if it were not necessary for women to engage in gainful occupations, if they were not required, as many of them are, to become wage earners.

But the fact is that a great many women are compelled to become wage earners, to go into the industries; and that being the case, I think it is not only proper, but right, just, and equitable, that special provision should be made in the Department of Labor for an organization that shall have their welfare in charge. We have such an organization now in temporary form in the Department of Labor, but it is best that that activity shall be carried on under definite legislation. The bill before us provides that legislation, and I am very much in hope that the vote for the legislation will be well-nigh unanimous. [Applause.]

Mr. CAMPBELL of Kansas. How many speeches has the gentleman from Illinois?

Mr. CANNON. I propose to yield the gentleman from Connecticut [Mr. MERRITT] the remainder of my time.

Mr. CAMPBELL of Kansas. I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I was somewhat disappointed to hear the speech of the distinguished ex-Speaker, the gentleman from Illinois [Mr. CANNON]. That speech was made a good many years ago, but it is too late now. The women of this country have been deprived of their rights for years. They are getting them now. This is not a question of expense, it is a question of absolute necessity. The women by virtue of the change in economical conditions of this country are no longer able to remain at home and do the work. They must go out in the field of actual activity and earn their living. The purpose of this bill is that the Government through this agency creates a women's bureau with a woman at the head, appointed by the President, by and with the advice and consent of the Senate, "to investigate and formulate standards and policies which shall promote the welfare of wage-earning women." Can anybody object to that? "Improve their working conditions." Can the people generally or any Member of this House object to "improving the working conditions of women"? No. "Increase their efficiency." Can there be any objection to increasing their efficiency? Clearly not. "And advance their opportunities for profitable employment." Everybody ought to be for that. We ought to be ready and willing to expend money for the purpose

of making that effective. "The said bureau shall investigate and report to the said department upon all matters pertaining to the welfare of women in industry." Anyone who has given this subject any thought or consideration realizes that while you may speak of the father and the son representing the wife, mother, or sister that day has passed. They want and are entitled to represent themselves. On May 20, 1919, I introduced H. R. 1134, referred to in the committee's report on this bill. I am for this legislation. It is right.

The sundry civil bill for the fiscal year 1919 carried as one of the war emergency items an appropriation of $40,000 to enable the Secretary of Labor to carry on investigations touching women in industry, and this appropriation is carried in the current law. The purpose of the legislation now proposed is to make statutory provision for the work which is being carried on under the above-mentioned title and to provide for its enlargement as appropriations may be made for that purpose.

During the war hundreds of thousands of women took the places of men who had joined the Army and did men's work. Their efficiency and competency were proven in every branch of industry. There are still hundreds of thousands occupying important places and positions of trust and in manufacture and in trade.

The purpose of this bill is to create a permanent women's bureau in the Department of Labor and give it a legal status.

In the introductory part of the first annual report of the Director of the Woman in Industry Service for the fiscal year ending June 30, 1919, we find the following:

The Woman in Industry Service was organized in July, 1918, a year and three months after the entrance of the United States into the war. It was confronted at once with the problems involved in a rapidly increasing reliance upon the work of women, as the sole reserve force of labor to be called upon to measure up to the demands of an augmented program of production for the war in the face of the withdrawal of men for military service at the rate of a quarter of a million a month. It was clear that for the sake of production and for the good of the Nation the Federal Government must provide not only for the recruiting of women workers, but for the safeguarding of the health and efficiency of these women who were meeting in many instances the requirements of new and unaccustomed tasks. Because they were new for women—at least, in such large numbers—standards for their employment had not been established in the customs of industry.

On page 5 of such report we find the following specific statement of the purpose of this service:

1. To consider all general policies with respect to women in industry and to advise the Secretary of Labor as to the policies which should be pursued.
2. To keep informed of the work of the several divisions of the department in so far as they relate to women in industry and to advise with the divisions on all such work.
3. To secure information on all matters relating to women in industry and to collate such information into useful form.
4. To establish useful connections with all governmental departments and divisions on this subject and with voluntary agencies and societies.

In the hearings before your committee the following letter of the Secretary of Labor appears:

MARCH 4, 1920.

GENTLEMEN: As I am unable to be present at your joint hearing to-day for consideration of H. R. 12679 and S. 4002, to establish on a statutory basis the Women's Bureau of the United States Department of Labor, I am sending you this letter to urge a favorable report by the committees.

This bill does not propose a new bureau. The present Women's Bureau was made possible by the appropriation for the War Labor Administration in July, 1918, and so proved the necessity for it that it was continued by a special appropriation in 1919. It is common knowledge that during the war the number of women in industry increased greatly and the range of the occupations open to them was extended. It is even more important than before the war, therefore, that there should be a bureau in the Federal Government concerned with the special problems of women in industry.

The enlarged appropriation is made necessary in order to meet the many demands for the services of the bureau which comes from State departments of labor and citizens throughout the Nation who realize the importance of improving the conditions of the employment of women in industrial occupations.

Very truly, yours, W. B. WILSON.

III. INDUSTRIES, TOTAL NUMBER OF EMPLOYEES, AND NUMBER OF WOMEN EMPLOYEES INVESTIGATED.

In the course of two general State surveys of working conditions for women, and of several studies of conditions involving groups of women in special industries, the Women's Bureau has secured information on the actual working conditions of approximately 34,000 women employed in industries where the total number of employees amounted to approximately 75,000. The two largest groups of women, 12,000 and 18,000, were covered by State surveys made in Indiana and Virginia. In these two surveys conditions in the representative industries of the State where women were employed were the subject of investigation. The establishments covered included those manufacturing boots and shoes, caskets, clothing, drugs, food products, hosiery and knit goods, leather goods, metal products, paper and paper products, peanuts, pottery and glassware, ruber goods, textiles, tobacco, wood products, printing establishments, and laundries.

The bureau sought to be established is not an experiment or a new adventure. It has proven its worth, and now that the right of self-government has been extended to women their demands are entitled to favorable consideration.

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I believe I have six minutes left. I yield two minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, what I object to about this bill has nothing to do with the merits of the employment of women in industry. It is admitted that these very women whose positions in the Bureau of Labor are provided for by this bill are now employed and will be employed and will do exactly the same work that the bill calls for for the next two years whether this bill passes or not. What I object to is putting into permanent law a temporary war expedient just at a time when everybody knows that every department of the Government, including the Department of Labor—I do not agree with all the criticism by the gentleman from Texas, although probably there is a good deal of basis for it—when every department, now that the war is over, and when the general election is over should be investigated with the idea of reorganizing it along new lines, along efficient lines, along economical lines, and therefore we should as business men look at this proposition in a businesslike way. What is the sense of putting this bureau into permanent law which will make any reorganization of it more difficult. It will not help the women one iota. I acknowledge that women in industry ought to be taken care of and I am in favor of doing anything necessary to that end, but this bill does not give them any additional care, and all it does is to confuse the operation of the Government. It is a bill to increase the confusion and not to help the women. [Applause.]

Mr. CANNON. I yield two minutes to the gentleman from Minnesota [Mr. CARSS].

Mr. CARSS. Mr. Speaker and gentlemen, I favored the passage of this bill in the committee, and I am in favor of it now. As much as many of us deplore that women have to give up homemaking and go out in the world to make a living we find that condition existing to-day and we have to meet it.

There are about 13,000,000 women wage earners in the United States to-day. They are in industry, and they are going to remain in industry, and if we are to retain the health of the coming generation and raise a rugged, virile race of people, we have got to provide for those women in industry, and we have got to establish a bureau that will make inspection and report the conditions, and see that those women are protected from anything that might tend to injure their potential motherhood. We might as well face the facts in this case. I hope this bill will be passed. I am very much in favor of it, and I would like to see it become a permanent law so that it can not be knocked out on a point of order.

Mr. CANNON. Mr. Speaker, I believe I have two minutes remaining. I had supposed that the gentleman from Minnesota [Mr. CARSS], holding the views that he does, would have gotten his time from the other side. But that is all right. It does not make much difference one way or another. Now, in my two minutes I do not know that I can add anything to what I have already said. I think there is more little peanut politics in this motion to suspend the rules than there is merit. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. MACCRATE].

Mr. MACCRATE. Mr. Speaker, I can not understand just what the gentleman from Illinois meant by "peanut politics" so far as this particular measure is concerned. Surely it is no small matter to legislate for 13,000,000 women who are members of our families. The Committee on Labor considered several proposals for the establishment of a women's bureau, one of which carried an appropriation of $100,000 and another more than $50,000 and another about $40,000. By this bill we provide for a chief and keep control of the bureau in the hands of our Appropriations Committee. We held extended hearings and heard many witnesses. The committee insistently inquired what purpose the bureau would serve not now served by an existing governmental department. With a majority of this Congress we feel that new ventures should not be undertaken unless absolutely justifiable, and in determining to report this bill in its present shape we were greatly influenced by the testimony of the head of the Bureau of Labor Statistics, Mr. Meeker. He was asked if he believed the bureau should be established, and he emphatically replied that it should be. He was asked why his department could not do the work, and he answered there was a different point of view taken by a woman when she went to investigate industries. He was asked if his appropria-

tion was increased could he do the work as well as a separate bureau would do it, and he said he could not. We asked him if a woman was made associate with him would that serve the purpose, and he said it would not. We inquired if he had had more money in the past could he have done the work of the proposed bureau as well as it could, and he said it is not a question of money, it is a question of human differences. A man can not see as well as a woman what effect a given industry will have on women, and although Mr. Meeker must have realized that the creation of this bureau would not increase his authority, he advocated its creation with a woman at its head. [Applause.]

Men may deeply regret the entrance of women into the commercial, industrial, and professional fields, and long for the days when the spinning wheel helped to make the family income meet the family's needs. But modern mechanical genius has made machinery respond to the touch of a woman's hand or foot. Commerce has taken many forms, and women are seen in all sorts of positions. It might have been better for society had the home industries been maintained, but we are face to face with a fact of life and not a social theory. Women, young and old, daily go to the office, shop, farm, and factory to earn their bread in the sweat of their brow. By this bill we seek to know what effect womanhood has on industry and industry has on womanhood. We are providing a means whereby knowledge of modern methods may be distributed to all the employers of the country and whereby both the woman and her employer may know where she can be employed for her own good as well as the good of her employer. We are to furnish a means by which those who toil and those who employ the toiler will gain the information which will make for mutual understanding.

The necessity for meeting the increased cost of existence is driving more and more women from the home into the industrial and commercial world. Men would prefer that their daughters should not be forced to stand amid the roar of belting and machinery, but they find themselves unable to meet unending rental and food price raises. Within the past year not only have daughters been forced to help their fathers, but countless wives have found that, save and stint as they might, the end of the week found them in debt, and they, too, have been obliged to work.

We have listened to men discuss the burden resting upon officials who administer the financial affairs of the city, State, and Nation, and we have wondered what these governmental experts would do were they limited to incomes as are the women of our homes. Governmental officials are continually exceeding the amount allotted to their departments and Congress, too frequently without condemnation, appropriates more. Did the average housewife of America spend what comes to her from the family with the open-handed carelessness of some departmental heads the unrest which we see about us would be multiplied a thousandfold. It is utterly impossible to calculate what the women of America are doing to-day toward keeping down riot and revolution. On pay day they get a definite amount which must cover a definite period. There are no sources from which it can be increased before the next pay day. Yet somehow or other, in spite of many demands unforeseen, the average American home-keeper keeps the family free from debt. If our efficiency experts in the field of government could make a little go as long a way and could adjust expenditures to income as well as do the women of our household, this Nation would soon see its indebtedness reduced. With prices outstepping wages the task of keeping contentment in our homes has been tremendously increased, but our womanhood are meeting the task heroically.

It may be that multitudes of the women who work will never become housewives and mothers. Nevertheless, the great majority of them will not keep at out-of-home tasks all their lives, but will become the joint makers of American homes. Industry may or may not affect women, so far as home making is concerned, but can we do the future a greater service than establish this bureau which will gather the facts from which we can accurately say just what effect industry does have on our womanhood? It may be America has other foundations but we are certain it has none more sure than its families kept contented by the tact and skill and love of its womanhood.

Mr CARSS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Maine, Judge HERSEY.

Mr. HERSEY. Mr. Speaker, I thank the gentleman from Kansas for added honor.

As a member of the Committee on Labor I wish to add this: The committee had exhaustive hearings upon this bill. We heard all sides, and the committee made a unanimous report in favor of the legislation, amending, of course, the many claims and reducing it to a simple matter of business. Gentlemen, there is no woman suffrage in this bill. Gentlemen, there is no attempt in this bill to impeach any member of the Cabinet. There is no attempt in this bill to examine into the work of an Assistant Secretary of Labor. We had no jurisdiction to do that. But we simply recommend to you, gentlemen, as a matter of business, that the Woman's Bureau in the Department of Labor, that did such efficient work during the war, on a temporary, as we might say, war emergency should be continued in times of peace for the next fiscal year. And for this reason: Nobody who has examined the question for one moment would claim but that the bureau is needed and is efficient. Anyone who has examined it must admit that. It should be continued. But we know this, that should the matter come up for permanent law there would be some one in this House, and you can mention the name, who would rise up and say, "I will make a point of order against that," and out it would go, and the bureau must expire for want of appropriations. Let it become a law. All that there is to it is to take this matter which has been temporary and make it permanent law for the next fiscal year. Why? Because you can make the bureau more efficient thereby. You place a woman in authority, with assistants under her to gather information, and that is all it is, of the 13,000,000 women in industry, as to the hours of labor, the conditions under which they labor, and what can be done to improve their condition. The economy of this measure demands this legislation and it should have a unanimous passage.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER resumed the chair.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 109, noes 7.

Mr. BLANTON. Mr. Speaker, the House having divided, I make the point of no quorum.

The SPEAKER. The Chair thinks no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. Those in favor of suspending the rules and passing the bill will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 256, nays 9, not voting 162, as follows:

YEAS—256.

Ackerman	Crowther	Hastings	McDuffie
Almon	Dale	Hawley	McGlennon
Anderson	Dallinger	Hayden	McKeown
Andrews, Nebr.	Davis, Minn.	Hays	McKinley
Ashbrook	Dickinson, Mo.	Hernandez	McLaughlin, Mich.
Aswell	Dickinson, Iowa	Hersey	McLaughlin, Nebr.
Ayres	Donovan	Hersman	MacCrate
Babka	Dowell	Hickey	MacGregor
Bacharach	Dunbar	Hoch	Magee
Baer	Dupré	Holland	Maher
Barbour	Dyer	Houghton	Major
Barkley	Eagan	Howard	Mann, S. C.
Bee	Echols	Huddleston	Mansfield
Benham	Elliott	Hudspeth	Mapes
Bland, Ind.	Emerson	Hull, Iowa	Martin
Bland, Mo.	Esch	Hull, Tenn.	Mason
Boies	Evans, Mont.	Ireland	Mays
Bowers	Evans, Nebr.	Jacoway	Mead
Box	Evans, Nev.	James	Michener
Briggs	Fairfield	Johnson, Ky.	Miller
Britten	Ferris	Johnson, Miss.	Milligan
Brooks, Ill.	Fess	Johnson, S. Dak.	Minahan, N. J.
Brooks, Pa.	Fields	Johnson, Wash.	Monahan, Wis.
Browne	Fisher	Kahn	Mondell
Buchanan	Focht	Keller	Moore, Ohio
Burdick	Fordney	Kelly, Pa.	Morgan
Burroughs	Foster	Kendall	Mott
Butler	Frear	Kiess	Murphy
Byrnes, S. C.	French	Kincheloe	Nelson, Mo.
Byrns, Tenn.	Fuller, Ill.	Kinkaid	Nelson, Wis.
Caldwell	Gallivan	Kleczka	Newton, Minn.
Campbell, Kans.	Gandy	Knutson	Nichols, Mich.
Campbell, Pa.	Garrett	Kraus	O'Connor
Candler	Glynn	Lanham	Ogden
Carss	Godwin, N. C.	Lankford	Oldfield
Carter	Good	Larsen	Oliver
Casey	Goodall	Lazaro	Olney
Christopherson	Goodykoontz	Lea, Calif.	Osborne
Clark, Mo.	Graham, Ill.	Lee, Ga.	Overstreet
Classon	Greene, Mass.	Lehlbach	Padgett
Cleary	Griest	Lesher	Park
Connally	Griffin	Little	Parker
Cooper	Hadley	Lonergan	Parrish
Copley	Hardy, Colo.	Luce	Peters
Crago	Hardy, Tex.	Luhring	Platt
Crisp	Harreld	McClintic	Purnell

Quin	Sanders, La.	Taylor, Ark.	Watson
Rainey, Ala.	Sanders, N. Y.	Taylor, Colo.	Weaver
Rainey, H. T.	Sanford	Thomas	Webster
Rainey, J. W.	Scott	Thompson	Welling
Raker	Sherwood	Tillman	Whaley
Randall, Calif.	Sims	Timberlake	Wheeler
Randall, Wis.	Sinclair	Tincher	White, Kans.
Reed, W. Va.	Sinnott	Tinkham	White, Me.
Rhodes	Slemp	Towner	Wilson, La.
Ricketts	Smith, Idaho	Treadway	Wingo
Riddick	Smith, Ill.	Upshaw	Winslow
Riordan	Stephens, Ohio	Vestal	Wood, Ind.
Robinson, N. C.	Stiness	Vinson	Woods, Va.
Robsion, Ky.	Strong, Kans.	Voigt	Woodyard
Romjue	Summers, Wash.	Volstead	Wright
Rouse	Sumners, Tex.	Walters	Yates
Rucker	Sweet	Wason	Young, N. Dak.
Sanders, Ind.	Swope	Watkins	Zihlman

NAYS—9.

Blanton	Garner	Venable	Young, Tex.
Cannon	Merritt	Wise	
Coady	Sisson		

NOT VOTING—162.

Andrews, Md.	Ellsworth	Lampert	Rogers
Anthony	Elston	Langley	Rose
Bankhead	Flood	Layton	Rowan
Begg	Freeman	Linthicum	Rowe
Bell	Fuller, Mass.	Longworth	Rubey
Benson	Gallagher	Lufkin	Sabath
Black	Ganly	McAndrews	Schall
Blackmon	Gard	McArthur	Scully
Bland, Va.	Garland	McCulloch	Sears
Booher	Goldfogle	McFadden	Sells
Brand	Goodwin, Ark.	McKenzie	Shreve
Brinson	Gould	McKinley	Siegel
Brumbaugh	Graham, Pa.	McLane	Small
Burke	Green, Iowa	McPherson	Smith, Mich.
Cantrill	Greene, Vt.	Madden	Smith, N. Y.
Caraway	Hamill	Mann, Ill.	Smithwick
Carew	Hamilton	Montague	Snell
Chindblom	Harrison	Moon	Snyder
Clark, Fla.	Haugen	Mooney	Steagall
Cole	Heflin	Moore, Va.	Stedman
Collier	Hicks	Moores, Ind.	Steele
Costello	Hill	Morin	Steenerson
Cramton	Hoey	Mudd	Stephens, Miss.
Cullen	Hulings	Neely	Stevenson
Currie, Mich.	Humphreys	Newton, Mo.	Stoll
Curry, Calif.	Husted	Nicholls, S. C.	Strong, Pa.
Darrow	Hutchinson	Nolan	Sullivan
Davey	Igoe	O'Connell	Tague
Davis, Tenn.	Jefferis	Paige	Taylor, Tenn.
Dempsey	Johnston, N. Y.	Pell	Temple
Denison	Jones, Pa.	Phelan	Tilson
Dent	Jones, Tex.	Porter	Vaile
Dewalt	Juul	Pou	Vare
Dominick	Kearns	Radcliffe	Walsh
Dooling	Kelley, Mich.	Ramsey	Ward
Doremus	Kennedy, Iowa	Ramseyer	Welty
Doughton	Kennedy, R. I.	Rayburn	Williams
Drane	Kettner	Reavis	Wilson, Ill.
Dunn	King	Reber	Wilson, Pa.
Eagle	Kitchin	Reed, N. Y.	
Edmonds	Kreider	Rodenberg	

So, two-thirds having voted in the affirmative, the bill was passed.

The Clerk announced the following pairs:

Mr. McPHERSON with Mr. WELTY.
Mr. KREIDER with Mr. GANLY.
Mr. HAMILTON with Mr. BOOHER.
Mr. HULINGS with Mr. PELL.
Mr. TEMPLE with Mr. POU.
Mr. MORIN with Mr. WILSON of Pennsylvania.
Mr. MCKINLEY with Mr. BRAND.
Mr. HUTCHINSON with Mr. MCLANE.
Mr. BURKE with Mr. COLLIER.
Mr. GOULD with Mr. JONES of Texas.
Mr. LAYTON with Mr. IGOE.
Mr. MUDD with Mr. TAGUE.
Mr. TAYLOR of Tennessee with Mr. MOORE of Virginia.
Mr. FREEMAN with Mr. BRINSON.
Mr. MCKENZIE with Mr. DOOLING.
Mr. CHINDBLOM with Mr. HUMPHREYS.
Mr. MCCULLOCH with Mr. STOLL.
Mr. DEMPSEY with Mr. BRUMBAUGH.
Mr. BEGG with Mr. DAVEY.
Mr. KELLEY of Michigan with Mr. HOEY.
Mr. LUFKIN with Mr. STEVENSON.
Mr. ANTHONY with Mr. SISSON.
Mr. COSTELLO with Mr. KETTNER.
Mr. JUUL with Mr. GOLDFOGLE.
Mr. RADCLIFFE with Mr. NEELY.
Mr. CURRIE of Michigan with Mr. LINTHICUM.
Mr. KENNEDY of Rhode Island with Mr. HAMILL.

Until further notice:

Mr. LONGWORTH with Mr. KITCHIN.
Mr. MANN of Illinois with Mr. DEWALT.
Mr. RODENBERG with Mr. BELL.
Mr. GRAHAM of Pennsylvania with Mr. STEELE.
Mr. NEWTON of Missouri with Mr. SMALL.
Mr. WILLIAMS with Mr. STEAGALL.
Mr. DENISON with Mr. BANKHEAD.
Mr. SHREVE with Mr. CARAWAY.
Mr. WARD with Mr. GALLAGHER.
Mr. CURRY of California with Mr. DRANE.
Mr. KENNEDY of Iowa with Mr. SCULLY.
Mr. WILSON of Illinois with Mr. BENSON.
Mr. WALSH with Mr. FLOOD.
Mr. EDMONDS with Mr. HARRISON.
Mr. LANGLEY with Mr. CLARK of Florida.
Mr. GREENE of Vermont with Mr. DENT.
Mr. HICKS with Mr. MONTAGUE.
Mr. MOORES of Indiana with Mr. PHELAN.
Mr. VARE with Mr. BLACK.
Mr. TILSON with Mr. CANTRILL.
Mr. DARROW with Mr. O'CONNELL.
Mr. MADDEN with Mr. HEFLIN.
Mr. DUNN with Mr. GARD.
Mr. GARLAND with Mr. BLAND of Virginia.
Mr. MCARTHUR with Mr. STEDMAN.
Mr. HAUGEN with Mr. MOON.
Mr. ROWE with Mr. GOODWIN of Arkansas.
Mr. COLE with Mr. DOMINICK.
Mr. LAMPERT with Mr. MOONEY.
Mr. ELLSWORTH with Mr. MCANDREWS.
Mr. JONES of Pennsylvania with Mr. DOREMUS.
Mr. REBER with Mr. CULLEN.
Mr. ROGERS with Mr. CAREW.
Mr. ROSE with Mr. NICHOLLS of South Carolina.
Mr. SNYDER with Mr. JOHNSTON of New York.
Mr. KEARNS with Mr. SULLIVAN.
Mr. STRONG of Pennsylvania with Mr. RUBEY.
Mr. HUSTED with Mr. ROWAN.
Mr. SMITH of Michigan with Mr. SMITH of New York.
Mr. RAMSEY with Mr. STEPHENS of Mississippi.
Mr. STEENERSON with Mr. DOUGHTON.
Mr. REAVIS with Mr. DAVIS of Tennessee.
Mr. PAIGE with Mr. SMITHWICK.
Mr. SNELL with Mr. RAYBURN.
Mr. SELLS with Mr. EAGLE.
Mr. SIEGEL with Mr. BLACKMON.
Mr. PORTER with Mr. SEARS.
Mr. REED of New York with Mr. SABATH.

The result of the vote was announced as above recorded.

LEAVE TO EXTEND REMARKS.

Mr. MACCRATE, by unanimous consent, obtained leave to revise and extend his remarks in the RECORD on the bill just passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. WOOD of Indiana presented the following conference report and statement of the House conferees for printing under the rule.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on a certain amendment of the Senate to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Bureau of Efficiency, together with its books, papers, and records, furniture, equipment, and supplies, is hereby transferred to the jurisdiction of Congress; and its officers and employees are transferred in their present status without reappointment. The Chief of the Bureau of Efficiency shall hereafter be appointed jointly by the President of the Senate and the Speaker of the House of Representatives and may be removed from office by them. All other employees of the bureau, including a disbursing officer for the payment of the salaries and expenses of the bureau, shall be appointed in accordance with the civil-service laws and regulations. The Bureau of Efficiency is authorized to investigate any matters relating to the organization, activities, or methods of business of the several administrative services of the Government whenever directed by either House of Congress or requested by the heads

of such services and shall from time to time submit to Congress reports of its investigations with recommendations looking to greater efficiency and economy in the conduct of the public business. It shall make such special investigations and reports as may be required by either House of Congress or by any committee or subcommittee thereof of either House having jurisdiction over appropriations and expenditures. Administrative officers and employees of the executive departments and other establishments shall furnish authorized representatives of the Bureau of Efficiency with all information that the bureau may require for the performance of its duties, and shall give such representatives access to all records and papers that may be needed for that purpose."

And the Senate agree to the same.

WM. R. WOOD,
EDWARD H. WASON,
T. U. SISSON,
Managers on the part of the House.
F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on Senate amendment No. 53 to the bill (H. R. 12610) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees as to the said amendment:

On No. 53: Inserts the paragraph, proposed by the Senate, transferring the Bureau of Efficiency from the executive branch of the Government to the jurisdiction of Congress and modifies the Senate amendment in the following manner: Provides that the chief of the bureau may be removed from office by joint action of the President of the Senate and the Speaker of the House instead of by concurrent resolution; limits the investigations of the bureau relating to the organization, activities, or methods of business of the administrative services of the Government to those which may be directed by either House of Congress or those which may be requested by the heads of such administrative services; limits the special investigations and reports which may be required by either House or any committee thereof to those requested by committees having jurisdiction over appropriations or expenditures and extends the authority for requesting such investigations to any subcommittee of either House having jurisdiction of appropriations and expenditures.

WM. R. WOOD,
E. H. WASON,
T. U. SISSON,
Managers on the part of the House.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3238. An act relating to detached service of officers of the Regular Army; to the Committee on Military Affairs.

S. 3895. An act authorizing the granting of certain irrigation easements in the Yellowstone National Park, and for other purposes; to the Committee on the Public Lands.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12581. An act granting the consent of Congress to the village and township of Shelly, Norman County, Minn., and the township of Caledonia, Traill County, N. Dak., and their successors and assigns, to construct a bridge across the Red River of the North on the boundary line between the said States; and

H. R. 12260. An act to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 180. Joint resolution authorizing the Secretary of War to turn over to agricultural fertilizer distributors or users a supply of nitrate of soda.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MOORES of Indiana, for 15 days, on account of important business.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Tuesday, April 20, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General, submitting a supplemental estimate of appropriation required by the Post Office Department for inland transportation by star routes, payable from postal revenues, fiscal year 1920 (H. Doc. No. 731); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture, submitting a proposed paragraph of legislation authorizing payment from existing appropriations to Hon. J. W. Harrold, being unpaid rent due him by the Department of Agriculture, but withheld under section 114 of the Penal Code (H. Doc. No. 732); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of private act No. 37, Sixty-sixth Congress, "An act for the relief of the estate of John M. Lea, deceased," approved April 7, 1920, and to state that the said act does not provide an appropriation for payment of the same, as defined in the act of June 30, 1906 (H. Doc. No. 733); to the Committee on Appropriations and ordered to be printed.

4. A report from the joint commission appointed under authority of House concurrent resolution 46, of the Sixty-sixth Congress, on conditions in Virgin Islands (H. Doc. No. 734); to the Committee on Insular Affairs and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting two paragraphs of legislation for inclusion in the pending sundry civil appropriation bill required for the Public Health Service (H. Doc. No. 735); to the Committees on Interstate and Foreign Commerce and Printing and ordered to be printed.

6. A letter from the Secretary of War, transmitting draft of a proposed bill to amend sections 8 and 9 of the Panama Canal act and to authorize a blended system of practice and procedure in the district court of the Canal Zone; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 9899) to provide for the disposition of abandoned portions of rights of way granted to railroad companies, reported the same with amendments, accompanied by a report (No. 851), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 12350) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, to establish a standard box for apples, and for other purposes, reported the same with amendments, accompanied by a report (No. 852), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 9944), authorizing the Secretary of the Treasury to accept on behalf of the United States the donation by Sedgwick Post, No. 10, Grand Army of the Republic, of its memorial hall property in Bedford, Taylor County, Iowa, for Federal building purposes, reported the same without amendment, accompanied by a report (No. 854), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOOD, from the Committee on Appropriations, to which was referred the bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes, reported the same without amendment, accompanied by a report (No. 853), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. JOHNSON of Mississippi, from the Committee on the Public Lands, to which was referred the bill (H. R. 10002) authorizing the Secretary of the Interior to issue patent to R. L. Credille, mayor of the village of Bonita, La., in trust, for certain purposes, reported the same with amendments, accompanied by a report (No. 850), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOOD: A bill (H. R. 13677) making appropriations to supply a deficiency in the appropriations for the Federal control of transportation systems and to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1920, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SINCLAIR: A bill (H. R. 13678) to amend the war-finance corporation act; to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 13679) granting a certain right of way with authority to improve the same across the old canal right of way between Lakes Union and Washington, King County, Wash.; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 13680) to amend the Federal reserve act as amended; to the Committee on Banking and Currency.

By Mr. NOLAN: A bill (H. R. 13681) to extend temporarily the time for filing applications for letters patent, for taking actions in the United States Patent Office with respect thereto, for the reviving and reinstatement of applications for letters patent, and for other purposes; to the Committee on Patents.

By Mr. BAER: A bill (H. R. 13682) to prevent gambling in the necessaries of life and speculation in stocks and bonds; to the Committee on Interstate and Foreign Commerce.

By Mr. MASON: Concurrent resolution (H. Con. Res. 55) to withdraw our troops from Europe; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CRAGO: A bill (H. R. 13683) granting an increase of pension to Henry C. McKinley; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 13684) granting an increase of pension to Joseph W. Anderson; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 13685) granting an increase of pension to Benjamin C. Moffett; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 13686) granting a pension to William McCall; to the Committee on Pensions.

By Mr. HUSTED: A bill (H. R. 13687) granting a pension to Martin Hunt; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 13688) granting a pension to Samuel C. Shattler; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 13689) granting a pension to Alexander Yagle; to the Committee on Pensions.

By Mr. MacGREGOR: A bill (H. R. 13690) granting an increase of pension to Charles Hammelmann; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 13691) granting a pension to James Flanagan; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13692) granting a pension to Samuel L. Hannon; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 13693) granting an increase of pension to William Gilbert; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 13694) granting a pension to Agnes Crawford; to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 13695) granting a pension to Hannah B. Kesler; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3057. By the SPEAKER: Petition of Rotary Club of Mount Vernon, N. Y., regarding the welfare of the Nation; to the Committee on the Judiciary.

3058. Also (by request), petition of I. W. Person Post, No. 14, American Legion, Brooklyn, N. Y., urging increased pay for enlisted and commissioned personnel of the Army and Navy; to the Committee on Naval Affairs.

3059. Also (by request), petition of William H. Dexter and other citizens of Springfield, Mass., asking legislation to provide new site and building in that city for post office, customhouse, and other Federal activities; to the Committee on Public Buildings and Grounds.

3060. Also (by request), petition of Federal Council of the Churches of Christ in America, urging the acceptance of an American mandate in the near east; to the Committee on Foreign Affairs.

3061. Also (by request), petition of Stuffed Toy and Doll Makers' Union of Greater New York and the Conqueror Club of Greater New York, asking release of Eugene V. Debs and other political prisoners; to the Committee on the Judiciary.

3062. By Mr. DYER: Petition of citizens of St. Louis, Mo., under the auspices of St. Louis Council of the Friends of Irish Freedom, urging the passage of the Mason bill, etc.; to the Committee on Foreign Affairs.

3063. By Mr. FULLER of Illinois: Petition of the National Association of Box Manufacturers of Chicago, urging the repeal of the excess-profits tax and a substitute of a tax on sales; to the Committee on Ways and Means.

3064. By Mr. GALLIVAN: Petition of John J. Hartigan, commander Michael J. Perkins Post, No. 67, American Legion, and 75 other members of this post, favoring cash bonus for all World War veterans; to the Committee on Ways and Means.

3065. Also, petition of American War Veterans Association, Alfred A. Shea, A. J. Fernald, Daniel J. Curran, Samuel M. Rachlin, all of the city of Boston, Mass.; John J. Murphy and William R. Powers, of Dorchester, Mass; Representative Vernon W. Evans, Saugus, Mass.; and Daniel J. Welsh, Portland, Oreg., relative to the bonus for the ex-service men of the World War; to the Committee on Ways and Means.

3066. By Mr. JOHNSTON of New York: Petition of executive board of the Cap and Millinery Cutters' Union, Local No. 2, U. C. H. and C. M. of North America, New York, relative to the American civil and military prisoners; to the Committee on the Judiciary.

3067. By Mr. KEARNS: Petition of the Peebles Paving Brick Co. and the Stockham Co., both of Portsmouth, Ohio, and the J. & H. Classgens Co., New Richmond, Ohio, relative to House bills 12379 and 12646; to the Committee on Banking and Currency.

3068. Also, petition of Winn Farmer, of Piketon, Ohio, urging the passage of the MacGregor bill relative to an import duty on canaries; to the Committee on Ways and Means.

3069. By Mr. KENNEDY of Rhode Island: Resolution adopted by citizens of Newport, R. I., favoring passage of House resolution 3404, the Mason resolution; to the Committee on Foreign Affairs.

3070. By Mr. McLAUGHLIN of Nebraska: Petition of sundry citizens of Osceola, Nebr., requesting the adoption of resolution now pending in the Senate, providing that America shall assist in protecting Armenia; to the Committee on Foreign Affairs.

3071. By Mr. O'CONNELL: Petition of Henry Hegwer, commander in chief and corresponding secretary of the United Indian War Veterans, urging the passage of House bill 13052 and Senate bill 4101; to the Committee on the Public Lands.

3072. Also, petition of Walter F. Ballinger, of Philadelphia, Pa., urging the United States to enter the League of Nations with or without reservations; to the Committee on Foreign Affairs.

3073. Also, petition of the National Association of Box Manufacturers, Chicago, Ill., relative to the excess-profits tax; to the Committee on Ways and Means.

3074. By Mr. RAKER: Petition of the home economics department of the Vallejo High School, urging the passage of the Fess bill, House bill 12078; to the Committee on Education.

3075. Also, petition of H. D. Loveland, of San Francisco, Calif., urging the passage of House bill 11729; to the Committee on Ways and Means.

3076. By Mr. ROWAN: Petition of Ballinger & Perrot, of New York, favoring ratification of the League of Nations; to the Committee on Foreign Affairs.

3077. Also, petition of Wooden Box Manufacturers' Association, of New York, against class legislation; to the Committee on the Judiciary.

3078. Also, petition of Cap and Millinery Cutters' Union, Local No. 2, New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3079. Also, petition of Gray Silver, Charles A. Lyman, and T. C. Atkeson, favoring early passage of the Capper-Hersman

bill, permitting cooperative buying and selling; to the Committee on the Judiciary.

3080. Also, petition of National Association of Box Manufacturers, of Chicago, favoring the repeal of the excess-profits tax law and the substitution of a flat tax on sales; to the Committee on Ways and Means.

3081. Also, petition of operating and marine engineer service, protesting against report of the Joint Committee on Reclassification of Salaries; to the Committee on Reform in the Civil Service.

3082. By Mr. SANDERS of New York: Petition of the Botts-Fiorito Post, No. 576, the American Legion, of Le Roy, N. Y., urging the passage of legislation providing for the payment in cash of additional compensation to ex-service men based on the number of days' service; to the Committee on Ways and Means.

3083. By Mr. SINCLAIR: Petition of residents of Cooperstown and Bowman and vicinity, N. Dak., protesting against compulsory military training; to the Committee on Military Affairs.

3084. Also, petition of the Central Labor Union of Williston, N. Dak., protesting against the deportation of citizens without proper process of law; to the Committee on the Judiciary.

3085. Also, petition of the Association of American State Geologists, approving of plan for a survey of the power requirements of the Washington-Boston industrial area; to the Committee on Water Power.

3086. By Mr. TILSON: Petition of the New Haven Real Estate Board of New Haven, Conn., opposing House bill No. 12397; to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 20, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we bring to Thee the high motives of this place and office with a resolve to do our best to uplift the world and to glorify Thy name. We open our hearts to the impression of Thy truth as we start upon the duties of a new day, and pray Thee to guide us in all our deliberations. May our conclusions have Thy favor resting upon them. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (George A. Sanderson) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., April 20, 1920.

To the SENATE:

Being temporarily absent from the Senate, I appoint Hon. REED SMOOT, a Senator from the State of Utah, to perform the duties of the Chair during my absence.

ALBERT B. CUMMINS,
President pro tempore.

M. SMOOT thereupon took the chair as Presiding Officer for the day.

The Reading Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

S. 806. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States; and

S. 2442. An act authorizing and directing the Secretary of the Interior to convey to the trustees of the Yankton Agency Presbyterian Church, by patent in fee, certain land within the Yankton Indian Reservation.

The message also announced that the House had passed the following bills and joint resolution:

H. R. 5163. An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes;

H. R. 8690. An act for the relief of certain homestead entrymen;

H. R. 9228. An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.;

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States" by adding thereto an additional section;

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas;

H. R. 13229. An act to establish in the Department of Labor a bureau to be known as the women's bureau;

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River;

H. R. 13274. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

H. R. 13387. An act to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin;

H. R. 13592. An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries; and

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 12260) to amend section 600 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," and it was thereupon signed by the Presiding Officer.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 9228. An act to authorize the establishment of a Coast Guard station on the coast of Lake Superior, in Cook County, Minn.;

H. R. 12956. An act extending the time for constructing a bridge across the Bayou Bartholomew, in the State of Arkansas;

H. R. 13253. An act to grant the consent of Congress to the Elmer Red River Bridge Co. to construct a bridge across the Red River; and

H. R. 13387. An act to extend the time for the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin.

The following bills were each read twice by their titles and referred to the Committee on Public Lands:

H. R. 8690. An act for the relief of certain homestead entrymen; and

H. R. 13592. An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries.

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13274. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; and

H. J. Res. 301. Joint resolution to authorize the Secretary of War to grant revocable licenses for the removal of sand and gravel from the Fort Douglas Military Reservation for industrial purposes.

H. R. 5163. An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 13229. An act to establish in the Department of Labor a bureau to be known as the women's bureau was read twice by its title and referred to the Committee on Education and Labor.

NATIONAL EDUCATION ASSOCIATION.

H. R. 10917. An act to amend an act entitled "An act to incorporate the National Education Association of the United States by adding thereto an additional section was read twice by its title.

Mr. KING. I did not hear the suggestion which the Secretary made to the Chair.

The PRESIDING OFFICER. The Senator from Iowa [Mr. KENYON] has asked that the bill go to the Committee on Education and Labor.

Mr. KING. I think it should go to the Committee on the Judiciary. All such measures which provide for Federal charters go to the Committee on the Judiciary, and that matter is receiving consideration there now. I ask that no reference be made of the bill until the Senator from Iowa is here, as I would not want to make any motion in his absence.

The PRESIDING OFFICER. The bill will lie on the table for the present.